Supreme Court, U.S.
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(a) (b)

Nos. 85-93 and 85-428

In the Supreme Court of the United States

OCTOBER TERM, 1985

P.E. BAZEMORE, ET AL., PETITIONERS

v.

WILLIAM C. FRIDAY, ET AL.

UNITED STATES OF AMERICA, ET AL., PETITIONERS

v.

WILLIAM C. FRIDAY, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

JOINT APPENDIX

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PETITION FOR A WRIT OF CERTIORARI IN NO. 85-93 FILED JULY 15, 1985

PETITION FOR A WRIT OF CERTIORARI IN NO. 85-428 FILED SEPTEMBER 12, 1985

CERTIORARI GRANTED NOVEMBER 12, 1985

In the Supreme Court of the United States

OCTOBER TERM, 1985

No. 85-93

P.E. BAZEMORE, ET AL., PETITIONERS

v.

WILLIAM C. FRIDAY, ET AL.

No. 85-428

UNITED STATES OF AMERICA, ET AL., PETITIONERS

v.

WILLIAM C. FRIDAY, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

JOINT APPENDIX

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UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 82-1873

P.E. BAZEMORE, ET AL., PLAINTIFFS-APPELLANTS,

v.

WILLIAM C. FRIDAY, ET AL., DEFENDANTS-APPELLEES

APPEAL FROM THE EASTERN DISTRICT
OF NORTH CAROLINA AT RALEIGH

DATE	FILINGS – PROCEEDINGS
10/05/82	Case docketed. Awaiting ROA. tcb.
10/08/82	ORDER cons. cases 82-1873 and 82-1881 for briefing and oral argument, filed. tcb
10/14/82	DISCLOSURE STMNT, Es, N, filed. tcb
10/14/82	DISCLOSURE STMNT, Es, N, filed. tcb (case 82-1881)
10/19/82	DISCLOSURE STMNT, As, N, filed. tcb
10/21/82	DISCLOSURE STMNT, As, N, filed. tcb
10/21/82	DISCLOSURE STMNT, As, N, (82-1881), filed. tcb
10/26/82	ORDER cons. case 82-1927 with 82-1873(L) and 82-1881 for briefing and oral argument, filed. tcb
11/01/82	DISCLOSURE STMNT, Es (82-1927), N, filed. tcb
11/02/82	DISCLOSURE STMNT, Es (82-1927), N, filed. tcb
11/05/82	MOTION (K-53) of As for leave to file separate briefs and lead counsel, filed (SAR:jeh)
11/15/82	RESPONSE/Es to motion K-53, filed. (SAR:fls)

11/23/82 ORDER granting motion of As for leave to file separate brfs. and lead counsel, and establishing brf. schedule: As due: 1/03/83, filed. (SAR:fls)

11/30/82 ORDER cons. case 82-2065 with 82-1873(L), 82-1881 and 82-1927 for briefing and oral argument, filed. Briefing order of 11/23/82 to be adhered to. tcb.

12/6/82 MOTION (L-65) of USA for leave to defer filing the appendix pursuant to Rule 30(c), FRAP, filed (CRL:jeh) MOTION DENIED

12/10/82 RESPONSE of Es to motion L-65, filed (CRL:jeh)

12/13/82 MOTION (L-66) of As-P. E. Bazemore, et al, for extension of time to file brf, filed (CRL:jeh) MOTION DENIED

12/16/82 MOTION (L-113) of government for extension of time to file brf., filed. MOTION DENIED. (CRL:fls)

12/21/82 MOTION (L-145) of A, USA, for reconsideration of denial of procedural motions, filed. (CRL:fls)

12/22/82 RESPONSE/Es to motion L-145, filed. (CRL:fls)

12/28/82 ORDER granting motion for reconsideration (L-145) of denial of procedural motions and granting extension of time to file As' brfs. and appx. to 1/17/83, filed. (CRL:fls) Copy to Thigpen; Reibman; Craige-Reynolds-Barnett-Marblestone; Manning-Manning; Rich., Greenberg-Schnapper. (Mo. re deferred appx. denied—plm)

12/23/82 MOTION (L-193) of private plaintiffs-As for reconsideration of denial of procedural question, filed. (CRL:fls) (See order L-145)

12/23/82 DISCLOSURE STMNT, Es, (82-2065), N, filed 12/06/82. tcb

12/23/82 DISCLOSURE STMNT, Es, (82-2065), N, filed 12/07/82. tcb

01/03/83 DESIGNATION-Es, parts to be included in joint appendix, filed. tcb

01/20/83 MOTION of Ps-As P. E. Bazemore for leave to file brief in excess of 50 pages (A-152), filed (PLM:bel)

1/21/83 Supplemental motion of As (A-152), filed (PLM:jeh)

1/26/83 ORDER granting motion of As to file brief in excess of 50 pages, not to exceed 65 pages, filed (PLM:jeh) Copy to Reibman; Manning; Rich; Craige-Reynolds-Barnett-Marblestone; Thigpen

1/31/83 MOTION (B-18) of Es' for extension of time to file brief and motion for leave to file brief in excess of 50 pages, filed (PLM:bel) Submitted to HEW*, FDM on 2-14-83.

2/22/83 ORDER granting Es' motion for extension of time to March 7, 1983 to file brief and for leave to file brief not in excess of 95 pages, filed. (PLM:bel) Copy to: Reibman; Manning; Rich; Craige-Reynolds-Barnett-Marblestone; Thigpen; Greenberg-Schnapper-Sherwood;

3/7/83 MOTION (C-90) of As for additional time within which to file reply brief, filed (BMM:jeh)

3/16/83 ORDER granting As an additional 7 days to file reply brief, filed (BMM:jeh) Copy to Thigpen; Reibman; Craige-Reynolds-Barnett-Marblestone; Manning-Manning; Rich; Greenberg-Schnapper-Sherwood

12/19/84 E's bill of costs, filed. dhp

12/26/84	A's petition for rehearing and suggestion for rehearing en banc filed. Transmission of petition for rehearing held pending decision of US motion to extend time to file rehearing also. dhb
12/26/84	MOTION of United States (L-160) for ext. of time to 1/7/85 to file pet. for rehearing and suggestion for reh. in banc, filed. jd
1/3/85	ORDER granting motion L-160. (BMM:jd) Copy to counsel.
1/2/85	PETITION FOR REHEARING (A-13) and suggestion for rehearing in banc of As, filed (DHB:jm)
1/7/85	Petitions filed 12/26/84 and 1/2/85 transmitted to HEW, JDP, Judge Kellam w/copy to all circuit judges (DHB:jm)
2/4/85	MOTION of Es (B-13) for an ext. of time to 2/14/85 to file answer to pet. for rehearing, filed. jd
2/6/85	ORDER granting motion B-13. (BMM:jd) Copy to counsel.
2/14/85	RESPONSE (A-13 & L-161) of Es to both petitions for rehearing and suggestions for rehearing in banc, filed (DB:cw) Transmitted to HEW, JDP, RBK on 2-15-85.
4/15/85	ORDER denying pet. for reh. and sug. for reh. in banc in these appeals, filed (BMM:nac) Copy to counsel on 4/16/85.
4/22/85	Bill of costs taxed. Copies to Thigpen, Reibman, Rich, Manning/Manning, Marblestone, et al., Greenberg, et al. lgs

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA

No. 2978 Civil

Raleigh Division

P.E. Bazemore, et al., plaintiffs

v.

William C. Friday, et al., defendants

DATE	NR	PROCEEDINGS
11/18/71	1	Filed & Ent. PETITION FOR JUDGMENT DECLARING, PERMANENT INJUNCTION, RESTRAINING DEFENDANTS FROM DISCRIMINATING POLICIES AND PRACTICES IN EMPLOYMENT—Allege all defendants are bi-racial and are discriminating against all classes, seek any further relief and grant costs and attorney fee to plaintiffs.
		Filed & Ent. COST BOND—$200.00 cost bond, Surety, US Fidelity Co.
		Issued Summons, Original and 12 copies to USM for service, w/12 copies petition.

11/29/71		Filed & Ent. US MARSHAL RETURN – Served Adm. Lear by cert. mail 11/22/71.
		Filed & Ent. US MARSHAL RETURN – Served Chancellor Caldwell Univ. N. C. 11/23/71.
		Filed & Ent. US MARSHAL RETURN – Served Director Hyatt, Jr. N. C. Agric. 11/22/71.
		Filed & Ent. US MARSHAL RETURN – Served Board Trustees UNC 11/22/71.
		Filed & Ent. US MARSHAL RETURN – Served Charles L. Becton 11/22/71.
		Filed & Ent. US MARSHAL RETURN – Served C. Hardin, Sec. Agric. 11/22/71.
		Filed & Ent. US MARSHAL RETURN – Served C. Amick, Alamance CC. 11/19/71.
		Filed & Ent. US MARSHAL RETURN – Served C. Hardin, Sec. Agric. by mail 11/29/71.
		Filed & Ent. US MARSHAL RETURN – Served UNC Chapel Hill 11/19/71.
12/2/71		Filed & Ent. US MARSHAL RETURN – Served Meckleng CC 11/29/71.
12/7/71	2	Filed & Ent. US MARSHAL RETURN – Served Edgecombe CC 11/26/71.
1/7/72	3	Filed & Ent. ANSWER – All State and County officials designated in complaint fully answers the

		complaint, denies all charges, ask plaintiff's recover nothing and cost of action be taxed against plaintiffs. w/copy and cert. service.
1/17/72	4*	Filed & ent. ORDER that defts. are allowed until & including 2/22/72 within which to file answer or other pleading in action. (DUPREE, J.) (Civ. O.B.#23,P.7253) 1 cy to U.S.A.
2/17/72	5	Filed & ent. ORDER allowing defts. to & including 3/23/72 within which to file answer or other pleading in action. (DUPREE, J.) (Civ.O.B.#23, P.7331) 2 CC to U.S.A.
3/22/72	6	Filed & ent. CONSENT ORDER allowing defts. to & including Apr. 7, 1972 within which to file answer or other pleading. (DUPREE, J.) (Civ.O.B.#23, P.7409)
4/7/72	7	Filed & ent. MOTION TO DISMISS FEDERAL DEFENDANTS AND TO AMEND COMPLAINT w/Cert. of Ser.
	8	Filed & ent. MOTION TO INTERVENE AS PLAINTIFF by U.S.A. 4 cc to U.S.A.
	9	Filed & ent. MEMORANDUM OF AUTHORITIES IN SUPPORT OF MOTION TO INTERVENE w/Cert. of Ser. 4 cc to U.S.A.

	10	Filed & ent. ORDER that U.S.A. is allowed to file a Complaint in Intervention. (DUPREE, J.) (Civ.O.B.#24, P.7463) 4 cc to U.S.A.
	11	Filed & ent. COMPLAINT IN INTERVENTION by U.S.A. praying for order enjoining defts. from failing to provide services to minorities equal to those they provide white persons; maintaining racially segregated 4-H clubs & extension homemaker clubs; providing services to 4-H clubs, extension homemaker clubs, farmers & other persons on racially segregated basis; from discriminating in favor of white persons & against minorities in hiring & promotion & in terms & conditions of employment in extension service jobs & for costs & disbursements of action.
	12	Filed & ent. CERTIFICATE OF THE ATTORNEY GENERAL OF THE UNITED STATES
4/21/72	13	Filed & ent. THIRD-PARTY COMPLAINT by William C. Friday, Pres. of Consolidated Univ. of N.C., et al.
		Issued Summons w/Third-Party Complaint to U.S. Marshal for service: Orig. & 8 cc to U.S.M.

4/28/72	14	Filed & ent. ORIGINAL ANSWER TO COMPLAINT IN INTERVENTION by defts., being all those State & County officials designated in Complaint in Intervention, answering Complaint of plff-intervenor, U.S.A.-praying that plff.-interv., U.S.A., have & recover nothing of defts. & that action be dismissed & costs taxed against plff.-interv. w/Cert. of Ser.
	15	Filed & ent. AMENDMENT TO THIRD-PARTY COMPLAINT, w/Cert. of Ser.
2/7/72	4-A	Filed & ent. INTERROGATORIES TO DEFTS. PROPOUNDED BY PLFF. w/CS
4/28/72		Fil. & ent. U. S. MARSHAL'S RETURN on 3rd-Party Complaint: Earl L. Butz, Sect. of Agri. served 4/24/72 by cert. mail #384 to Washington, D. C. 5 cc to U.S. Atty
	16	Filed & ent. U. S. MARSHAL'S RETURN On 3rd-party complaint: Gene M. Lear, Associate Admr., Agric. Ext. Serv., served 4/24/72 by Cert.Mail #383 to Washington, D.C. Asst. U.S. Atty., John R. Whitty, Raleigh, NC also served.
6/12/72	17	Filed & ent. REQUEST FOR PRODUCTION OF DOCUMENTS filed by U.S., Plff-interv. w/Cert. of Ser.

6/22/72	18	Filed & Ent. THIRD PARTY DEFENDANTS MOTION TO STRIKE OR IN THE ALTERNATIVE DISMISS THIRD PARTY COMPLAINT w/copy and cert service.
	19	Filed & Ent. MEMORANDUM OF THIRD PARTY DEFENDANTS IN SUPPORT OF MOTION TO STRIKE OR IN THE ALTERNATIVE TO DISMISS THIRD PARTY COMPLAINT w/copy and cert. service.
6/30/72	20	Filed & ent. DEFENDANT THIRD-PARTY PLAINTIFFS' RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS w/Cert. of Ser.
7/12/72	21	Filed & ent. DEFT. THIRD PARTY PLFFS'. RESPONSE TO MOTION TO STRIKE OR DISMISS THIRD-PARTY COMPLAINT, w/certificate of service. 2 copies.
	22	Filed & ent. MEMORANDUM IN SUPPORT OF DEFENDANT THIRD-PARTY PLAINTIFFS' RESPONSE TO MOTION TO STRIKE OR DISMISS THIRD-PARTY COMPLAINT. 2 copies.
7/17/72	23	Filed & ent. MOTION FOR ORDER REQUIRING INSPECTION OF DEFENDANTS RECORDS. 2 copies. (filed by plff.-intevenor.)

	24	Filed & ent. MEMORANDUM IN SUPPORT OF MOTION FOR ORDER REQUIRING INSPECTION OF DEFENDANTS RECORDS, filed by Plff.-Intervenor. 2 copies.
7/18/72	25	Filed & ent. ORDER REQUIRING INSPECTION OF RECORDS—deft. third-party plffs. permit plff-intervenor inspect and copy Items 1(f) and 2(c) in plff-intervenor's Request for Production of Documents previously filed herein; Clerk to service copies of this Order upon counsel. DUPREE, J. Civil OB 24, P. 7772.
7/21/72	26	Filed & ent. ORDER that Earl L. Butz, Sect. of Agri., & Gene M. Lear, Asso. Admr. of Federal Extension Ser., in indiv. & official capacities, are realigned as plff-intervenors. All claims & requests for relief set forth in 3rd-party Complaint are preserved as defenses and/or counterclaims. (DUPREE, J.) (Civ. O.B.#24,P.7787) 2 CC & 4 cys. to U.S.A.
7/21/72	27	Filed & ent. ORDER by consent that time within which discovery may be completed is extended to & including 1/10/73. (DUPREE, J.)(Civ.O.B.#24, P.7788) 2 CC & 4cys to U.S.A.

9/7/72	28	Filed & ent. INTERROGATORIES TO PLAINTIFFS propounded by defts. (State Depts.) w/Cert. of Ser.
9/25/72	29	Filed & ent. INTERROGATORIES TO DEFENDANTS BY PLAINTIFF-INTERVENORS
9/29/72		Filed & ent. CERTIFICATE OF SERVICE as to foregoing Interrogatories to Defendants by Plff.-Intervenors
	30	Filed & ent. PLAINTIFF-INTERVENORS' REQUEST FOR PRODUCTION OF COMPUTER MATERIALS w/Cert. of Service
10/18/72	31	Filed & ent. DEFENDANTS' ANSWERS TO INTERROGATORIES OF PLAINTIFF-INTERVENORS W/Cert. of Ser.
	32	Fil. & ent. DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS w/Cert. of Ser.
11/17/72	33	Fil. & ent. DEFENDANTS' REQUEST FOR ADMISSION UNDER RULE 36 w/Cert. of Ser.
11/20/72	34	Filed & ent. RESPONSE TO DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS w/Cert. of Ser., Attachments & Exhibits

11/27/72	35	Fil. & ent. INTERROGATORIES TO DEFENDANTS BY PLAINTIFF-INTERVENORS w/Cert. of Ser.
	36	Filed & ent. REQUEST FOR PRODUCTION OF DOCUMENTS w/Cert. of Ser. (Filed by plff.-intervenor)
11/30/72		Filed & ent. NOTICE OF TAKING DEPOSITIONS, by U.S.A., et al—plff-intervenors, of the following persons: Dr. George Hyatt, Jr., 12/11/72; Dr. C. D. Black, 12/12/72; Dr. Eloise Cofer 12/12/72—at Ricks Hall, N.C.State Univ., Raleigh, NC & Dr. R.E. Jones, 12/12/72 at Coltrane Hall, A&T State Univ., Greensboro, NC.w/Cert. of Ser.
12/4/72	37	Filed & ent. DEFENDANTS' INTERROGATORIES TO PLAINTIFF-INTERVENORS w/Attachments
12/20/72	38	Filed & ent. PLAINTIFFS' ANSWER AND RESPONSE TO DEFENDANTS REQUEST FOR ADMISSION UNDER RULE 36/Cert. of Ser.
12/20/72		Filed & ent. MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS' REQUEST FOR ADMISSIONS UNDER RULE 36 of THE FEDERAL RULES OF CIVIL PROCEDURE w/Cert. of Ser.

	39	Filed & ent. ORDER extending time for U.S.A. to answer defendants' motion to & including 1/4/73. (DUPREE, J.) (Civ.O.B.#25,P.8140) 6 CC to U.S.A.
12/26/72	40	Filed & ent. REQUEST FOR PRODUCTION OF DOCUMENTS from State defts. by U.S. Plff.-Intervenor w/Cert. of Ser.
		Filed & ent. NOTICE OF TAKING DEPOSITIONS by U.S., et al., Plff.-Intervs., of following persons: 10:00 A.M., 1/3/73: Dr. George Hyatt, Jr.; 10:00 A.M., 1/4/73 Mrs. Ada Dalla Pozza, 2:00 p.m. Mrs. Minnie M. Brown; 9:00 A.M., 1/5/73 Dr. George Capel, J.E. Foil; 10:00 a.m., 1/8/73 R. Craig Wilburn; 1:30 p.m. T.C. Blalock; 9:30 a.m., 1/9/73 Paul Dew; 2:00 p.m., W.G. Andrews; 9:30 a.m., 1/10/73 J.C. Jones, 2:00 p.m. Grover Dobbins; & 9:30 a.m., 1/11/73 John E. Piland, w/Cert. of Ser.
1/2/73	41	Filed & ent. MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS' REQUEST FOR INTERROGATORIES UNDER RULE 33 OF THE FEDERAL RULES OF CIVIL PROCEDURE w/Cert. of Ser. 4 CC to U.S.A.

	42	Filed & ent. ORDER granting motion that U.S.A. be allowed extension of time to & including 1/23/73 in which to answer defendant's interrogatories. (DUPREE, J.) (Civ.O.B.#25, P.8191) 4 CC to USA (will serve order)
1/3/73		Filed & ent. DEPOSITION OF ROBERT E. JONES (Unopened by Clk.)
1/4/73	43	Filed & ent. PLAINTIFF-INTERVENORS' RESPONSE TO DEFENDANTS' REQUEST FOR ADMISSION UNDER RULE 36 w/Attachment & Cert. of Ser.
1/9/73		Filed & ent. DEPOSITION OF DR. ELOISE COFER (Unopened by the Clk.)
1/15/73	44	Filed & ent. ORDER by consent that discovery time be extended to & including 3/23/73. (DUPREE, J.) (Civ.O.B.#25, P.8230) 3 CC to U.S.A. who will serve copies.
1/18/73		Fil. & ent. DEPOSITION OF DR. CHESTER BLACK (Unopened by Clk.)
1/23/73	45	Fil. & ent. ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFF INTERVENORS w/Cert. of ser.
2/14/73		Filed & ent. DEPOSITION OF GROVER C. DOBBINS. (Unopened by Clk.)

2/23/73		Filed & ent. DEPOSITION OF DR. GEORGE HYATT. (Unopened by Clk.)
3/1/73		Filed & ent. DEPOSITION OF DR. THOMAS C. BLALOCK (Unopened by Clk.)
3/5/73		Fil. DEPOSITION OF J. E. FOIL (Unopened by Clk) (Ent. 3/6/73) crs
3/16/73		Filed & ent. DEPOSITION OF JOHN PILAND (unopened by Clk.)
		Fil. & ent. DEPOSITION OF MINNIE BROWN (unopened by Clk.)
		Fil. & ent. DEPOSITION OF DR. GEORGE CAPEL (unopened by Clk.)
3/21/73	46	Fil. & ent. INTERROGATORIES TO DEFENDANTS BY PLAINTIFF-INTERVENORS w/Cert. of Ser.
3/30/73	47	Filed & ent. PLAINTIFFS ANSWERS TO INTERROGATORIES w/Cert. of Ser.
4/9/73		Filed & ent. DEPOSITION OF RONALD C. WILBURN (Unopened by Clk.)
		Fil. & ent. DEPOSITION OF ADA DALLA POZZA (Unopened by Clk.)
4/19/73		Filed & ent. DEPOSITION OF QUENTIN SWANSON (Unopened by Clk.)
		Filed & ent. DEPOSITION OF PAUL DEW (Unopened by Clk.)

4/20/73	48	Fil. & ent. DEFENDANTS' ANSWERS TO PLAINTIFFS INTERVENORS INTERROGATORIES Statement of service in transmittal letter. (Exhibits attached to answers)
5/7/73		Fil. & ent. DEPOSITION OF DR. W. G. ANDREWS (unopened by Clk.)
5/16/73		Filed & ent. DEPOSITION OF J. C. JONES (Unopened by Clk.)
5/18/73	49	Fil. & ent. DEFENDANT'S ANSWERS TO PLAINTIFF-INTERVENORS MARCH 20, 1973, INTERROGATORIES w/Exhibits
12/11/73		Set for Pre-trial and hearing on 3rd-party defts. Motion to Strike or in alternative Dismiss 3rd-party Complaint – 1/9/74 at 11:00 a.m. smf
12/26/73	50	Filed & ent. MOTION FOR LEAVE TO WITHDRAW AND FOR ORDER SUBSTITUTING OTHER COUNSEL FOR PLAINTIFFS: Atty Chambers has been appointed as a member of the Board of Governors of the U. of N.C. Charles Becton is also a member of said firm – Jerry Paul and James Rowan, 202 Rigsabee Ave., Durham, N.C. have been retained by the plfts. Cert. of Ser. B.H. Shapiro, U.S. Dept.

		of Justice, T. McNamara, U.S. Atty. EDNC., Raleigh, North Carolina, A.A. Vanore, Jr. Deputy Atty. General. P.O. Box 629, Raleigh, North Carolina mailed on 12/21/73. gw
1/3/74	51	Filed & ent. ORDER—firm of Chambers, Stein, Ferguson & Lanning, J. LeVonne Chambers, Esq., Charles Becton, Esq, are allowed to withdraw as counsel in this case. Motion hearing scheduled for 1/9/74 is cont'd until 2:00 p.m. on Friday, February 1, 1974, Courtroom #1, 7th Floor, Federal Building, Raleigh, North Carolina (DUPREE, J) CivOB#28P 9339 cc: attys. Paul, Becton, Chambers, Draw, Shapiro & Rich ag
1/18/74	52	Filed & ent. NOTICE OF APPEARANCE by Jerome Paul and Sylvia Drew on behalf of plffs. in this action. w/Cert. of Ser. jwt
1/25/74	53	Filed & ent. ORDER that matter scheduled to be heard in this case on 2/1/74 is now moot & the scheduled hearing is therefore continued. (DUPREE, J.)(Civ.O.B.#28, P.9427) CC to counsel jwt

4/1/74		Scheduled for pre-trial conference at Raleigh, Thurs., 4/25/74 at 12:30 P.M. Cy. to counsel, Judges Butler & Dupree & Ct. Rptr. jwt
4/5/74	54	Filed & ent. MOTION TO CONTINUE PRETRIAL CONFERENCE by all parties.
	55	Filed & ent. ORDER that pre-trial conf. scheduled for 4/25/74 is continued for at least 60 days. (DUPREE, J.) (Civ.O.B.#29, P.9678) Atty. Rich serving copies jwt
4/10/74		Filed & ent. CERTIFICATE OF SERVICE for Motion and Order filed on 4/5/74, service 4/8/74 by Atty. Rich. gw
11/13/74		Calendared for pre-trial conf. at Raleigh, Fri., 12/13/74 at 9:30 A.M. Cy. to Judges Butler & Dupree, Counsel & Ct. Rptr. jwt
11/27/74	56	Filed & ent. ORDER that pre-trial conf. scheduled for 12/13/74 is continued & will now be held at 11:00 a.m., Fri., 1/3/75 in Judge's Chambers, 716 Fed. Bldg., Raleigh, N.C. (DUPREE, J.) (Civ.O.B.#31, P.264) Cys. to counsel by Judge's office jwt

1/3/75	57 57-a	Filed & ent. MOTION TO CERTIFY AS CLASS ACTION and MEMORANDUM IN SUPPORT OF MOTION TO CERTIFY AS CLASS ACTION w/Cert. of Ser. & Proposed Order
		Pre-trial conf. at Raleigh
	58	Filed & ent. PLAINTIFF-INTERVENORS' MOTION TO DISMISS, OR IN ALTERNATIVE TO STRIKE DEFENDANTS' COUNTERCLAIM w/Cert. of Ser. & Attachments & MEMORANDUM
1/2/75	59	Filed & ent. AFFIDAVIT PURSUANT TO RULE 7P of the RULES OF COURT OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA CONCERNING SANCTIONS FOR FAILURE TO COMPLY WITH PRETRIAL PROCEDURES w/cert. of ser.
1/3/75	60	Filed & ent. PLAINTIFF-INTERVENORS' PROPOSED STIPULATION OF FACT
	61	Filed & ent. STIPULATION of U.S.A. as to exhibits to be offered—signed by U.S. atty. only.
	62	Filed & ent. MEMORANDUM OF PRETRIAL COMPLIANCE by U.S.A. w/Attachments

	63	Fil. & ent. ORDER ON INITIAL PRE-TRIAL CONFERENCE – defts. to provide opposing counsel w/list of all exhibits proposed to be offered on or before 1/31/75; case to be tried to court w/out a jury & est. trial time is from 6 to 8 wks.; defts. have 20 days from this date to respond to motion to strike counterclaim as well as response to motion to have case certified as class action; final pre-trial conf. to be held in Chambers at Raleigh on Fri. 5/30/75 at 11:00 a.m. at which time trial time will be assigned. (DUPREE, J.) (Civ. O.B.#32,P.104) Cy. to counsel by Judge's office jwt
1/23/75	64	Filed & ent. DEFENDANTS' RESPONSE TO PLAINTIFF-INTERVENORS' MOTION TO DISMISS, OR IN THE ALTERNATIVE TO STRIKE DEFENDANTS' COUNTERCLAIM w/Cert. of Ser. Cy. to J. Dupree
	65	Filed & ent. BRIEF IN OPPOSITION TO PLAINTIFF-INTERVENORS' MOTION TO CERTIFY AS A CLASS ACTION w/Cert. of Ser. Cy. to J. Dupree
1/31/75	66	Received DEFENDANTS' EXHIBIT LIST and WITNESS LIST jt
2/7/75	67	Fil. & ent. ORDER that time within which plff.-intervenor, U.S.A., may file a Motion for

		Leave to Amend Complaint in Intervention is extended to & including 3/3/75. (DUPREE, J.) (Civ.O.B.#32,P.202) 2 CC & 3 cys. to U.S.A. jwt
2/14/75	68	Filed & ent. REPLY BRIEF IN SUPPORT OF UNITED STATES' MOTION TO CERTIFY AS A CLASS ACTION w/Exhibit A & Cert. of Ser. jwt
2/19/75	69	Filed & ent. AFFIDAVIT IN RESPONSE TO AFFIDAVIT FILED BY MARY A. PLANTY, DATED DECEMBER 31, 1974, PURSUANT TO RULE 7P OF THE RULES OF COURT OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA CONCERNING SANCTIONS. W/Cert. of Ser. jwt
2/28/75	70	Filed & ent. MOTION TO AMEND COMPLAINT IN INTERVENTION w/Proposed Amended Complaint in Intervention
	71	Fil. & ent. MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT IN INTERVENTION w/Cert. of Ser.
3/4/75	72	Filed & ent. MEMORANDUM OF AUTHORITIES ON THE

		ELEVENTH AMENDMENT BAR OF BACK WAGES filed by deft. w/Cert. of Ser.
3/6/75	73	Fil. w/Judge Dupree: MEMORANDUM OF AUTHORITIES ON WHETHER THE ELEVENTH AMENDMENT BARS BACK PAY IN THIS CASE filed by U.S.A. w/Cert. of Ser.
3/12/75	74	Fil. & ent. MOTION TO CERTIFY AS CLASS ACTION pursuant to R.23(c)(1), F.R.Civ.P. filed by plffs.
	75	Filed & ent. PLAINTIFF'S RESPONSE TO PLAINTIFF-INTERVENORS' MOTION TO AMEND COMPLAINT w/Cert. of Ser. jwt
3/20/75	76	Filed & ent. BRIEF IN OPPOSITION TO PLAINTIFF-INTERVENOR'S MOTION TO AMEND COMPLAINT IN INTERVENTION w/Cert. of Ser. (6 cys. to Atty. Manning. & cy. to J.Dupree by Mr. Manning) jwt
3/28/75		Filed & ent. REPLY TO PLAINTIFFS' MOTION TO CERTIFY AS CLASS ACTION w/Cert. of Ser. jwt
5/12/75	77	Calendared for hearing on all pending motions at Raleigh, Wed., 6/11/75 at 10:30 a.m. (Cy to counsel, Judges Butler & Dupree & Ct.Rptr.) jwt

6/16/75	78	Fil. & ent. SUPPLEMENTAL MEMORANDUM CONCERNING PENDING MOTIONS FOR LEAVE TO FILE AN AMENDED COMPLAINT IN INTERVENTION AND TO CERTIFY CASE AS A CLASS ACTION w/Cert. of Ser. jwt
1/23/76	79	NOTICE OF HEARING ON PENDING MOTIONS at 11:00 a.m., Fri., 2/13/76, Ctrm. #1, 7th Floor, Fed. Bldg., 310 New Bern Ave., Raleigh, N.C. (DUPREE, J.) Cy. to counsel, Clk. & Ct. Rptr. jwt
3/15/76		Filed & ent. TRANSCRIPT OF HEARING ON PENDING MOTIONS before Judge F. T. Dupree, Jr. Ctrm. #1, Fed. Bldg., Raleigh, N.C., on 2/13/76 at 11:00 a.m. jwt
9/13/76	80	Filed & ent. SUPPLEMENTAL MEMORANDUM OF THE UNITED STATES w/attachments & Cert. of Ser. (Cy. furnished Judge by US) jwt
10/25/78	81	MOTION TO SUBSTITUTE COUNSEL – James V. Rowan, atty. for pltfs. moves for court order permitting substitution of Cressie Thigpen in his place. w/cs. lc: Judge Dupree
10/25/78	82	NOTICE OF APPEARANCE – by Cressie H. Thigpen, Jr. and Edward D. Reibman. w/cs lc: Judge Dupree.

11/16/78	83	ORDER—James V. Rowan is allowed to withdraw as counsel for pltfs. and Cressie Thigpen, Esq., Raleigh, N.C. is substituted as counsel in his stead. (Dupree, J) Civ. OB#47, P. 297. lc: counsel of record. (ent. 11/16/78)
11/17/78		PLAINTIFF-INTERVENOR'S SECOND SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO AMEND COMP in intervention w/attachments & w/cs.
12/13/78	85	PRE-TRIAL AND MOTION HEARING: (J. Dupree): 10:00 A.M. on Friday, December 29, 1978 at Courtroom No. 1, 7th Fl. 310 New Bern Ave., Raleigh, N.C. Cy to: Mr. Edward D. Reibman, Mr. Cressie H. Thigpen, Jr., Mr. Jerry E. Keith, Mr. Howard E. Manning and Mr. Millard R. Rich, Jr. trj
4/2/79		TRANSCRIPT OF HEARING ON MOTIONS AND PRE-TRIAL HEARING before Hon. Franklin T. Dupree, Jr., Raleigh, N.C., Fri., 12/29/78 at 10:00 a.m. (Pgs. 1-70—Ervin B. Bush, Ct. Rptr.)
6/4/79	86	MOTION TO RE-OPEN DISCOVERY by plff. Intervenor, U.S.A. w/cs jwt

6/20/79	87	DEFENDANTS' RESPONSE TO PLAINTIFF-INTERVENOR'S MOTION TO RE-OPEN DISCOVERY. w/cs jwt
6/22/79	88	MOTION TO RE-OPEN DISCOVERY – plffs. join plff.-intervenor's Motion to Re-Open Discovery
	89(2a)	MEMORANDUM IN SUPPORT OF MOTION TO RE-OPEN DISCOVERY. w/cs jwt
10/9/79	90	MEMORANDUM OF DECISION AND ORDER denying pltfs'. motion to dismiss the counterclaim; and allowing parties to & incl. 2/1/80 to complete discovery; also that class certification of the pltf. employee class is denied; pltf's. motion to certify the deft. class is denied for lack of subject matter jurisdiction; U.S. motion to amend intervention complaint is allowed insofar as it alleges racial discrimination but denies it insofar as it alleges sexual discrimination. (J.DUPREE) (Civ.O.B.#54,P.41) cc to counsel. pgn
10/19/79	91	MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE PLEAD TO AMENDED COMPLAINT. w/cs

10/22/79	92	ORDER extending time w/n which defts. may answer or otherwise plead to Amended Complaint in Intervention to & including 11/1/79. (DUPREE, J.) (Civ.O.B.#54,P.155) CC to counsel jwt
11/1/79	93	DEFENDANTS' ANSWER TO AMENDED COMPLAINT IN INTERVENTION—w/cs. sbd
	94	REQUEST FOR ENTRY OF DEFAULT AGAINST PLAINTIFF-INTERVENORS—w/cs. sbd
11/5/79	95	MOTION TO RECONSIDER MEMORANDUM OF DECISION AND ORDER DATED, FILED AND ENTERED ON OCTOBER 9, 1979—w/cs.
	96	MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO RECONSIDER MEMORANDUM OF DECISION AND ORDER DATED, FILED AND ENTERED ON OCTOBER 9, 1979—w/cs sbd
11/6/79	97	ENTRY OF DEFAULT—Entered agst. the plff-intervenors as provided by R. 55(a), F.R.Civ.P. (Clk. J. Rich Leonard) Civ.OB #54,p.276. cc to counsel. sd
11/19/79	98	DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO RECONSIDER MEMORANDUM OF DECISION AND

		ORDER DATED, FILED AND ENTERED ON OCTOBER 9, 1979 w/cs. sd
	99	AMENDMENT TO ANSWER TO AMENDED COMPLAINT IN INTERVENTION – w/cs.
11/16/79	100	MOTION TO SET ASIDE DEFAULT – Pur. to R. 55(c) & 60(b), F.R.C.P., plff-interv. move to set aside default entered on 11/6/79. w/cs. sd
	101(2a)	MEMORANDUM IN SUPPORT OF MOTION TO SET ASIDE DEFAULT – by plff-interv. sd
11/19/79	102	DEFENDANTS' RESPONSE TO PLFF-INTERVS' MOTION TO SET ASIDE DEFAULT – w/cs.
12/7/79	103	PLAINTIFF INTERVENORS' MOTION FOR LEAVE TO FILE OUT OF TIME – w/Proposed Answer & Memorandum. w/cs. sd
12/10/79	104(2b)	PLAINTIFFS' INTERROGATORIES – RE: MACHINE READABLE DATA w/cs jwt
12/14/79	105(2b)	DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET –
	106	DEFENDANTS' RESPONSE TO PLAINTIFF-INTERVENORS' MOTION FOR LEAVE TO FILE OUT OF TIME – w/cs. s d
1/4/80	107(2b)	PLAINTIFFS' AND PLAINTIFF-INTERVENOR'S JOINT INTERROGATORIES TO DEFTS. w/cs. pg

1/8/80	108	MOTION FOR A PROTECTIVE ORDER PUR. TO R.26(c) of F.R.Civ.P. – by defts.
	109(2b)	DEFTS' ANSWERS TO PLFFS' INTERROGATORIES RE: MACHINE READABLE DATE – w/cs.
1/10/80	110(2)	MOTION TO ENLARGE TIME FOR DISCOVERY – by USA, to 6/2/80.
	111(2a)	MEMORANDUM OF PLFF-INTERV. U.S. IN SUPPORT OF ITS MOTION TO ENLARGE THE TIME FOR DISCOVERY w/cs.
1/11/80	112	ORDER – on motion by defts., depositions noticed for 1/14/80 be postponed until plffs & plff-interv. have responded to defts' motion. (HOWELL, U.S.M.) cc to counsel. (Ent. 1/11/80)
	113	JOINT NOTICE OF TAKING DEPOSITIONS – Plffs. & Plff-Interv. will jointly take depositions of listed people. w/cs. sd
1/14/80	114(2b)	MOTION FOR EXTENSION OF TIME WITHIN WHICH TO ANSWER INTERROGATORIES – Plffs. request an additional 30 days w/in which to answer. w/cs. sd
1/23/80	115	(Red Jacket) Plaintiffs' ANSWERS TO INTERROGATORIES – FIRST SET: for following Plffs: Richard M. Edwards, Chester L. Bright, Pennie P. Battle, W.E. Wright, Booker T. McNeill, Percy W.

		Williams, Clifton M. Grimes, Haywood E. Harrell, James E. Wright, Minnie B. Taylor, Johnnie Jones, III, Mary C. Martin, Chester Stocks, W.N. Payton, Jr., Fletcher Barber. w/cs
1/25/80	116(2a)	MEMORANDUM IN SUPPORT OF PLFFS' MOTION TO RECONSIDER MEMORANDUM OF DECISION AND ORDER DATED, FILED AND ENTERED ON October 9, 1979. w/cs.
	117	(Red Jacket) PLAINTIFFS' ANSWERS TO INTERROGATORIES – FIRST SET – For following Plffs: George W. Koonce, Natalie S. Wimberly, Luther D. Baldwin, Earl G. Swann, Plese Corbett, Martha B. Thomas, Jeanette B. Sherrod, Margaret L. Baldwin, Calvin Hargrove, Jr., Albrey Lee Jones, P.E. Bazemore.
1/28/80	118	PLFFS' REPLY IN OPPOSITION TO DEFENDANTS' MOTION FOR A PROTECTIVE ORDER – w/cs.
	119	(Red Jacket) PLFFS' ANSWERS TO INTERROGATORIES – FIRST SET for Avant P. Coleman, Margaret J. Woods, Henry Revell, Jr., Fred Belfield, Jr., Victoria B. Bynum, Annie P. Costen Gilmer, w/cs.

1/31/80	120	PLAINTIFF-INTERVENORS' RESPONSE TO MOTION OF DEFTS' FOR PROTECTIVE ORDER – w/cs.
2/14/80	121(2b)	MOTION TO COMPEL ANSWERS TO DEFTS' INTERROGATORIES DIRECTED TO PLFFS – w/cs.
2/19/80	122	MEMORANDUM – Defts. motion for a protective order is deferred at least until plffs. have responded to motion to compel. (HOWELL, U.S.M. (Civ.OB#56, p.193) cc to counsel. sd
2/29/80	123	PLAINTIFFS' RESPONSE TO DEFTS' MOTION TO COMPEL ANSWERS TO DEFTS' INTERROGATORIES DIRECTED TO PLFFS – w/cs. cy. to Howell
2/29/80	124	PLAINTIFFS' ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLFF – FIRST SET – for (Red Jacket) Riddick Earl Wilkins, Leonard C. Cooper, Bertha Bethel Forte, Alma C. Hobbs, Hernando F. Palmer, w/cs.
3/17/80	125	PLAINTIFFS' ANSWERS TO DEFTS' INTERROGATORIES TO PLFF. – FIRST SET – for (Red Jacket) Geraldine H. Ray, Clifton Parker, Marilyn White Rich, Esther B. Winston. sd

4/1/80	126	PLAINTIFFS ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for (Red Jacket) David B. Waymer. cgh
11/19/80		Scheduled for a motion hearing at 10:15 a.m. on 12/1/80 before Magistrate Howell in Raleigh, N.C. cgn
11/24/80		Cont'd. to 12/15/80 at 4:15 P.M. before Howell in Raleigh – jwt
12/5/80	127(b)	PLAINTIFF'S ANSWER TO DEFTS' INTERROGATORIES TO PLTFS – FIRST SET – for Inez Foster. mk
	128(b)	PLAINTIFF'S ANSWERS TO DEFTS' INTERROGATORIES TO PLTFS – FIRST SET – for Louise Penn Slade. mk
	129(b)	PLAINTIFF'S ANSWERS TO DEFTS' INTERROGATORIES TO PLFTS – FIRST SET – for George E. McDaniel. mk
	130(b)	PLAINTIFF's ANSWERS TO DEFTS' INTERROGATORIES TO PLTFS – FIRST SET – for Carrie Lindsey Thompson. mk
	131(b)	PLAINTIFF'S ANSWERS TO DEFTS' INTERROGATORIES TO PLTFS – FIRST SET – for Robert Lee Lancaster. mk
12/19/80	132	PLAINTIFF-INTERVENORS' RESPONSE TO ADDITIONAL MEMORANDUM IN

SUPPORT OF *MOTION FOR PROTECTIVE ORDER* – w/cs. mvk

1/15/81 133(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Ernest C. Short – w/cs. tt

134(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Slayter T. Lloyd – w/cs. tt

135(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Mary Irene Parham – w/cs. tt

136(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Jo Ann Fleming Carter – w/cs. tt

137(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Judy Herring Wallace – w/cs. tt

138(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for William C. Stroud – w/cs. tt

139(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTER-

ROGATORIES TO PLAINTIFFS – FIRST SET – for Leroy James – w/cs. tt

140(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Iley Wiley Murfree – w/cs. tt

141(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Dorothy M. Hearne – w/cs. tt

142(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Mary B. Crawford – w/cs. tt

143(b) PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES TO PLAINTIFFS – FIRST SET – for Lloyd L. Peace – w/cs. tt

RECEIVED ON 3/17/81 – RESPONSE OF ESTHER B. ROSCOE WINSTON in addition to her Answer to Interrogatories (#125, filed 3/17/80). mk

RECEIVED ON 3/6/81 – RESPONSE OF ROBERT LANCASTER in addition to his Answer to Interrogatories (#131, filed 12/5/80). mk

		RECEIVED ON 3/6/81 – RESPONSE OF CARRIE THOMPSON in addition to her Answer to Interrogatories (#130, filed 12/5/80). mk
		RECEIVED ON 3/6/81 – RESPONSE OF HAYWOOD HARRELL in addition to his Answer to Interrogatories (#124, filed 2/29/80). mk
		RECEIVED ON 3/6/81 – RESPONSE OF LEONARD COOPER in addition to his Answer to Interrogatories (#124, filed 2/29/80). mk
5/5/81		Letter from Clerk to counsel of record asking for a stip. on discovery. If they cannot agree, a status conference will be scheduled for the week of June 1, before Magistrate McCotter. cgh
6/2/81	144	ORDER – Upon consent of the parties, the discovery period in this action will conclude on October 30, 1981, w/ a final pretrial conference and trial to be scheduled thereafter as the docket permits. (CIV. O.B. #62, p. 208) (LEONARD, clerk) – cc to counsel. mk
6/19/81		ISSUED NOTICE OF HEARING ON PENDING MOTIONS at 10.00 a.m.. Fri., 7/17/81 in Raleigh in Ctrm. #1, 7th Floor, P.O. & Cthse. before Judge Dupree.

*Entries #127-131 and 133-143 in separate folders

6/30/81		ISSUED NOTICE OF NON-JURY TRIAL Mon., 12/7/81 at 10:00 a.m., Raleigh, NC, Ctrm. #1, before Judge Dupree. jwt
7/15/81	145(3a)	SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO SET ASIDE DEFAULT AND MOTION TO FILE OUT OF TIME. w/cs & attachment (Cy. to J. Dupree) jwt
7/24/81	146(3a)	SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO RECONSIDER MEMORANDUM OF DECISON AND ORDER DATED, FILED AND ENTERED ON 10/9/79 – concludes that pltfs' request that they be certifed as representatives of the class consisting of all black professional employees of the NCAES since 11/18/71 be granted – w/cs and attachments. tt
*7/15/81	147(3a)	SUPPLEMENTAL MEMORADUM IN SUPPORT OF PLAINTIFFS' MOTION TO RECONSIDER MEMORANDUM OF DECISION AND ORDER DATED OCTOBER 9, 1979 – pltfs request they be certified as representatives of the class consisting of all black employees of the NCAES since 11/18/71 and thereafter – w/attachments. tt

7/27/81	148(3a)	DEFENDANTS' MEMORANDUM IN RESPONSE TO PLAINTIFFS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDER THE DENIAL OF CLASS ACTION STATUS BY ORDER OF OCTOBER 9, 1979—defts. respect. submit that this action not be certified as a class action, and that the Court's Order of 10/9/79 w/respect to class certification remain in effect—w/cs. tt
7/29/81		AFFIDAVIT OF HERNANDO PALMER—to be attached to Pflt's Supp. Memo. in Support of Pltfs' Motion to Reconsider Memo. of Decision & Order, Filed and Entered on 10/9/79 filed 7/24/81 tt
7/29/81	149	ORDER—The Court makes the following rulings on various pending motions heard on July 17, 1981: Plft's motion to reconsider the Court's order of Oct. 9, 1981: Pltf's motion to reconsider the Court's order of Oct. 9, 1979 denying the motion for certification of a pltf & deft. class under Rule 23 of the F.R.C.P. is denied for the reasons set forth in the court's order of Oct. 9, 1979; the motion of pltf-intervenors to set aside the default entered against them on

		Nov. 6, 1979, is allowed; the deft's motion for a protective order, filed on January 8, 1980, is denied; deft's motion to compel, filed on Feb. 14, 1980, is allowed & pltfs are directed to continue their efforts to complete their answers to defts' interrogatories. (CIV. O.B. #63, p. 10) (DUPREE, J.)—cc to counsel. mk
8/12/81		DEPOSITION OF DR. CHESTER D. BLACK—taken 7/7/81 at 10:00 a.m. in Raleigh, N.C. tt
		DEPOSITION OF DR. THOMAS C. BLALOCK—taken 7/7/81 at 3:30 p.m. in Raleigh, N.C. tt
8/24/81	150	SUGGESTION FOR SUBSTITUTION OF PUBLIC OFFICIALS—by pltf.-intervenor—w/cs. tt
8/27/81	151(3b)	ANSWERS TO PLAINTIFFS' AND PLAINTIFF-INTERVENORS' JOINT INTERROGATORIES TO DEFENDANTS—w/cs & attachments (attachments in separate folder)
9/10/81	152(3b)	DEFENDANTS' INTERR. DIRECTED TO PLAINTIFF-INTERVENORS U.S.A.—w/cs. tt
9/21/81		ISSUED NOTICE OF FINAL PRE-TRIAL CONFERENCE before USM McCotter, in Raleigh, Mon., 11/2/81, USM Ctrm., 6th Floor, Cthse., 310

		New Bern Ave., at 10:15 A.M. jwt
9/24/81		Calendared for Non-jury trial in Raleigh, Ctrm. #1, before Judge Dupree. jwt
9/29/81	153(3a)	DEFENDANTS' SECOND SET OF INTERROGATORIES DIRECTED TO PLAINTIFF-INTERVENORS UNITED STATES OF AMERICA – w/cs. tt
10/6/81		Case file to J. Dupree, w/request for handling of dispositive motion (Request for Substitution of Public Officials by pltf.-intervenor).
10/8/81	154	ORDER – John R. Block as Sec. of Agriculture is to be substituted as pltf.-intervenor herein in place of Earl L. Butz, one of pltf.-intervenors of record, & Dr. Mary Nell Greenwood as Deputy Director, Science & Ed. Administration-Extension is to be substituted as pltf-intervenor herein in place of Gene N. Lear, one of pltf.-intervenors of record – (DUPREE, J.) (CIV. O.B. #63, p. 199) cc counsel tt
	155	ORDER RELATING TO DISCOVERY MATTERS AND FINAL PRE-TRIAL CONFERENCE – pltf.-intervenor, U.S., shall have until 11/2/81 in which to file & deliver to defts. & pltf. answers to defts' interr.; time in which defts. may engage

		in discovery shall be extended through 11/16/81 provided that depos will be completed by 11/16/81, defts. will submit any add. written discovery to pltf.-intervenors by Express Mail or Fed. Express on or before 11/5/81, & pltf-intervenors will cooperate in making individuals available for depos during that period through 11/16/81; pltf.-intervenors will submit answers to any add. written discovery filed by defts. by Express Mail or Fed. Express mailed on or before 11/19/81 provided such answers can be obtained through reasonable efforts; & Final Pre-Trial Conference will be rescheduled from 11/2/81 until 11/23/81 at 10:00 a.m.—signed by counsel—(LEONARD, M.) (CIV. O.B. #63, p. 201) cc counsel tt
10/12/81		ISSUED NOTICE RESCHEDULING FINAL PRE-TRIAL at Raleigh, Mon., 11/23/81 at 10:00 am before USM Leonard in USM Ctrm., 6th Floor, Cthse. jwt
*9/25/81	153a(3a)	PLAINTIFFS' INTERROGATORIES TO DEFENDANTS for the following Plaintiffs: RICHARD M. EDWARDS, CHESTER L. BRIGHT, PENNIE P. BATTLE, W. E. WRIGHT, BOOKER T.

McNEILL, PERCY W. WILLIAMS, CLIFTON M. GRIMES, HAYWOOD E. HARRELL, JAMES E. WRIGHT, MINNIE B. TAYLOR, JOHNNIE JONES III, MARY C. MARTIN, CHESTER STOCKS, W. N. PAYTON, JR., FLETCHER BARBER, ALMA C. HOBBS, LEONARD C. COOPER, HOOVER ROYALS, JUDY HERRING WALLACE, JOANN F. CARTER, MARY B. CRAWFORD, GEORGE W. KOONCE, NATALIE S. WIMBERLY, LUTHER D. BALDWIN, EARL G. SWANN, PLESE CORBETT, MARTHA B. THOMAS, JEANNETE B. SHERROD, MARGARET L. BALDWIN, CALVIN HARGROVE, JR., ALBREY LEE JONES, P. E. BAZEMORE, MARGARET J. VOODS, AVANT P. COLEMAN, HENRY REVELL, JR., FRED BELFIELD, JR., VICTORIA B. BYNUM, ANNIE P. COSTEN GILMER, J. M. SPAULDING, MARY I. PARHAM, SLAYTER T. LLOYD, LEROY JAMES, RIDDICK E. WILKINS, BERTHA B. FORTE, HERNANDO PALMER, GERALDINE H.

		RAY, CLIFTON PARKER, MARILYN W. RICH, ESTHER B. WINSTON, DAVID B. WAYMER, ROBERT L. LANCASTER, INEZ W. FOSTER, GEORGE E. McDANIEL, CARRIE L. THOMPSON, LOUISE P. SLADE, ILEY W. MURFEE, LLOYD L. PEACE, DOROTHY M. HEARNE, ROOSEVELL LAWRENCE, WARREN BARNES, ERNEST C. SHORT & WILLIAM C. STROUD—w/cs. tt
10/14/81	156(3a)	PLAINTIFF-INTERVENOR UNITED STATES' INTERROGATORIES TO DEFENDANTS THIRD SET—w/cs. t
10/20/81	157	*MOTION FOR ORDER TO COMPEL DISCOVERY*—pltf.-intervenor U.S.A. moves the Court to order defts.' agent Z. Harrell, Co. Extension Chrmn. in Gates Co., N.C. to respond to questions on oral depo re his knowledge of events which culminated in M. Woods' grievance hearing on 11/16/77; & to order defts.' agents, in course of depos, to respond to questions re their knowledge of practices which are alleged to discriminate or to have discriminated on the basis of race—w/cs. tt

10/20/81	158(3b)	MEMORANDUM IN SUPPORT OF MOTION FOR ORDER TO COMPEL DISCOVERY – by pltf.-intervenor – w/cs. tt
10/21/81	159	DEFTS' RESPONSE TO MOTION TO COMPEL DISCOVERY – w/cs & attachments. cgh
	160(3a)	Objections & Answers to Interr. Submitted by Pltfs. to Defts. by Letter of Sept. 24, 1981 – w/cs & attachments
*10/23/81	161	MOTION by deft. for an order prohibiting all further interviews of employees of deft. NCAES without the knowledge of defts.; notification of employees already interviewed; copies of all statements obtained; no evidence obtained by means of such interviews be used as evidence at the trial of this action; . . . – w/cs. cgh
		Letter from Fed. Government's counsel correcting Para. #4 of interr. mailed on 10/14/81. cgh
10/26/81	162	ORDER – pltf.-inter.' motion to compel is denied. Pltf.-Inter.'s mot. to compel deponet Harrell to ans. the propounded questions is allowed. By 11/3/81, counsel for pltfs. are to examine the existing employee list in pltf.-inter. possession. Counsel for pltfs. are then to examine the

		discovery files of pltf.-inter. to discover whether the personnel record have already be produced. If records of relevant employees are not available to pltf., pltfs. may file a request for production of docu. requiring defts to produce the personnel records of these employees for copying at pltfs' expense. Such request should be filed no later than 11/6/81. Records should be produced at a mutually convenient time prior to 11/11/81. Failure of pltfs. to comply with this timetable will preclude any further discovery in this area. (CIV O.B. #63, p. 256) (LEONARD, U.S.M.) CC to counsel. cgh
10/27/81	163	MOT. FOR SEPARATE TRIAL OF THE ISSUES OF LIABILITY & PROSPECTIVE RELIEF FROM THOSE OF INDIVIDUAL RELIEF BY pltf.-inter.— w/cs. cgh
	164(3b)	MEMO. IN SUPPORT OF MOT. TO SEPARATE THE ISSUES OF LIABILITY & PROSPECTIVE RELIEF FROM THAT OF INDIVIDUAL RELIEF— w/cs. cgh
*10/23/81		ISSUED NOTICE OF HEARING ON MOTION FOR PROTECTIVE ORDER at 1:00 p.m.,

		Wed., 10/28/81 in Raleigh, USM Ctrm., 6th Floor, PO & Cthse., before USM Leonard.
10/27/81		Hearing changed to Thurs., 10/29/81 at 11:00 a.m., before Judge Dupree in Ctrm. No. 1. jwt
10/28/81	165(3b)	MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION REGARDING INTERVIEWS WITH NCAES EMPLOYEES w/attachments & cs (Cy. to J. Dupree) jwt
10/29/81	166	FACTUAL BACKGROUND IN DISCOVERY SINCE THE COURT'S ORDER OF 10/9/81 by deft. Motion hearing held before J. Dupree in Raleigh. Edward D. Riebman, Cressie H. Thigpen, Jr., Squire Padgett & Burton Craige for pltfs; Howard E. Manning, Sr. & Howard E. Manning, Jr. for defts. Plfts. were directed to give the defts. a list of the persons interviewed by the FBI & to ans. interr. by 11/2/81. Judge to decide on the bifarcation issue shortly.
	167	ORDER – pltfs. to provide counsel for deft. names of all persons in employment of defts. who have been interviewed or are to be interviewed by agents of FBI re this action; pltfs, are not required to disclose to defts.' counsel statements of info ob-

tained by FBI agents from defts.' employees, but pltfs. are required to answer the outstanding interr. previously served upon them by defts. on or before 11/2/81; defts.' motion to disqualify opposing counsel was w/drawn; this order is w/out prejudice to defts.' right to move to reopen their motion w/respect to any person whose name appears on the list of person furnished defense counsel today who is alleged to have been improperly interviewed because of his or her position in the employment of defts.; the court will consider pltfs.' motion to bifurcate the scheduled trial of this action on 12/7/81 & enter a ruling thereon w/out further argument unless it is determined that a more detailed written response by defts. to the motion will be necessary prior to decision—(Dupree, J.) (CIV O.B. #63, p. 266) cc counsel tt

11/2/81 168 ORDER—upon motion of plff.-intervernor, U.S.A., for separate trial of the issue of liability & prospective relief from those of individual relief filed 10/27/81, the court being of opinion that the interests of judicial economy will not be

		served by such separation, it is Ordered that the motion be and the same is hereby denied. (Dupree, J.) (Civ. OB #63, p. 273) cc to counsel. sm
11/2/81	169	Rec'd copy of MOTION TO SHORTERN TIME FOR DEFTS. TO RESPOND TO PLFF.-INTERVENOR'S
11/4/81	169a	(FILED) REQUEST TO ADMIT OR IN THE ALTERNATIVE INTERROGATORIES – FOURTH SET
	170	Rec'd copy of MEMORANDUM IN SUPPORT OF MOTION TO SHORTEN TIME FOR DEFTS. TO RESPOND TO PLFF.-INTERVENOR'S REQUEST TO ADMIT OR IN THE ALTERNATIVE INTERROGATORIES FOURTH SET
	171(3a)	FIRST REQUEST OF UNITED STATES OF AMERICA, PLAINTIFF-INTERVENORS, FOR THE ADMISSION OF MATTERS BY THE DEFENDANTS, WILLIAM C. FRIDAY, ET AL, OR IN THE ALTERNATIVE INTERROGATORIES-FOURTH SET APPENDIX A-E (Red Jacket)
	172	DEFTS.' RESPONSE TO U.S. MOTION FOR SEPARATE TRIAL OF ISSUES OF LIABILITY AND PROSPEC-

		TIVE RELIEF FROM THOSE OF INDIVIDUAL RELIEF (Cy. to Judge by Atty. Manning.)
	173	DEFTS.' RESPONSE TO U.S. MOTION TO SHORTEN TIME IN WHICH DEFTS. HAVE TO RESPOND TO REQUESTS FOR ADMISSION OR IN THE ALTERNATIVE INTERROGATORIES – FOURTH SET AND OBJECTIONS, RESPONSE TO PLAINTIFFS' MOTION TO ENLARGE TIME FOR DISCOVERY AND MOTION FOR A PROTECTIVE ORDER (Cy. to J. Dupree by Atty. Manning) jwt
11/3/81	174(3a)	PLAINTIFF-INTERVENOR'S ANSWERS TO INTERROGATORIES PROPOUNDED BY DEFENDANTS, William C. Friday, et al. – w/cs. cy. J. Dupree tt
	175	PLTFS' RESPONSE TO MOTION FOR SEPARATE TRIAL OF THE ISSUES OF LIABILITY AND PROSPECTIVE RELIEF FROM THOSE OF INDIVIDUAL RELIEF AND CLARIFICATION OF PLTFS' POSITION – w/cs. cy. J. Dupree tt

	176	*MOTION TO ENLARGE TIME FOR DISCOVERY*—pltfs. request that discovery time for pltfs. be extended to 11/16/81—w/cs. cy J. Dupree tt
	177	*MOTION TO COMPEL ANSWERS TO DEFTS' INTERR. DIRECTED TO U.S.A., 1ST AND 2ND SETS, MOTION FOR SANCTIONS*—deft. pray for an Order directing the U.S. to fully & completely answer outstanding interr. immediately; & for such other & further relief & sanctions as may be imposed pursuant to Rule 37, F.R.Civ.P.—w/cs & attach. cy. J. Dupree tt
	178	ORDER—defts' motion for a protective order relieving them of the necessity of responding to pltfs' last-minute-discovery is allowed & pltfs' motion to enlarge the time for completing discovery, filed since the dictation of this Order began, is denied—(DUPREE, J.) (CIV O.B. #63, p. 286) cc counsel tt
11/5/81	179(3a)	DEFENDANTS' INTERROGATORIES DIRECTED TO THE U.S.—3RD SET AND REQUESTS FOR ADMISSIONS—w/cs. tt
11/6/81	180	*PLAINTIFF-INTERVENORS' MOTION FOR LEAVE TO FILE OUT OF TIME*—pltf-intervenors' request leave of this

		Court to file out of time the attached Response to Defts.' Interr. – w/proposed Order. cy. J. Dupree tt
	181(3b)	PLAINTIFF-INTERVENORS' MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO COMPEL AND IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE OUT OF TIME AND MOTION FOR SANCTIONS – w/cs. cy. J. Dupree tt
11/6/81	182(3a)	REQUEST FOR PRODUCTION OF DOCUMENTS – w/cs. mk
11/10/81	183	MOTION TO RECONSIDER ORDER GRANTING DEFENDANTS' MOTION FOR A PROTECTIVE ORDER – by U.S.A. – w/cs. Cy. to J. Dupree. cgh
	184(3b)	MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDER ORDER GRANTING DEFTS' MOTION FOR A PROTECTIVE ORDER by U.S.A. – w/cs. Cy. to J. Dupree. cgh
11/12/81	185	DEFENDANTS' RESPONSE TO MOTION TO RECONSIDER DEFENDANTS' MOTION FOR A PROTECTIVE ORDER – w/cs & attach. cy. J. Dupree tt

	186	ORDER – motion to compel answers to interr. 1-12 & 85-88 is denied w/out prejudice to defts' right to renew the motion for sanctions should the info be later found in a form that the U.S. should have uncovered w/reasonable diligence; pltf-intervenor is directed to obtain & produce for defts. whatever documents re number of black employees w/particular degree for a particular year on or before 11/17/81; pltf-intervenors are directed to respond to interr. 17-38, 39-52 & 67-80 as propounded & w/specificity on or before 11/18/81; pltf-intervenor is directed to answer interr. 81-84 on or before 11/18/81; this case remains on the 11/23/81 pre-trial calendar & the 12/7/81 trial calendar – (LEONARD, M.) (CIV O.B. #63, p. 305) cc counsel tt
11/13/81	187	DEFENDANTS' OBJECTIONS TO PLAINTIFF-INTERVENORS UNITED STATES' INTERROGATORIES TO DEFENDANTS' – THIRD SET, MOTION FOR A PROTECTIVE ORDER – defts. prays for a Protective Order permitting defts. not to answer the third set of interr. from the U.S. – w/cs. tt

	188	ORDER – pltfs' motion to reconsider order granting defts' motion for protective order filed 11/10/81 is denied – (DUPREE, J.) (CIV O.B. #63, p. 309) cc counsel tt
11/17/81	189(3b)	SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO RECONSIDER ORDER GRANTING DEFENDANTS' MOTION FOR PROTECTIVE ORDER – by pltf-intervenors – w/cs & attach. tt
	190(3b)	MEMORANDUM IN RESPONSE TO DEFENDANTS' OBJECTIONS TO THE UNITED STATES' THIRD SET OF INTERROGATORIES AND IN RESPONSE TO DEFENDANTS' MOTION FOR A PROTECTIVE ORDER – by pltf.-intervenors – w/cs & attach. tt
	191	ORDER – pltfs.' motion to compel production of the approximately 350 personnel data cards is denied; defts. not having objected to production of the 31 personnel records sought, that issue is now moot – (LEONARD M.) (CIV O.B. #63, p. 318) cc counsel tt
		Memo to Counsel of Record advising that Judge Dupree will conduct the final pre-trial conference on 11/23/81 in Ctrm. #1 at time scheduled. tt

11/17/81	192(3a)	PLAINTIFF-INTERVENOR'S ANSWERS TO DEFENDANTS' INTERROGATORIES THIRD SET AND ANSWERS TO REQUESTS FOR ADMISSIONS – w/cs. tt
	193(3a)	PLAINTIFF-INTERVENOR'S SUPPLEMENTAL ANSWERS (PART I) TO INTERROGATORIES PROPOUNDED BY DEFENDANTS, WILLIAM C. FRIDAY, ET AL. – w/attach. (2 & 3 in separate folder) & cs. tt
11/19/81	194(3a)	PLAINTIFF-INTERVENOR'S SUPPLEMENTAL ANSWERS (PART II) TO INTERROGATORIES PROPOUNDED BY DEFENDANTS, WILLIAM C. FRIDAY, ET AL. – w/cs & attach. tt
	195	ORDER – defts.' motion for a protective order permitting defts. not to answer the 3rd set of interr. from the U.S. is allowed – (DUPREE, J.) (CIV O.B. #63, p. 323) cc counsel
11/20/81	196	*MOTION FOR SUMMARY JUDGMENT ON DEFENDANTS' COUNTERCLAIM* – by pltf. – intervenors John R. Block, Sec. of Agriculture & Mary Nell Greenwood, Administrator of the Federal Extension Service – w/cs. tt

	197(3b)	MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON DEFENDANT'S COUNTERCLAIM – by pltf. – intervenors – w/cs. tt (Joh R. Block, Sec. of Agriculture & M. N. Greenwood, Administrator of the Federal Extension Service)
11/20/81	198	*MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND MOTION FOR DISCOVERY SANCTIONS* – pltf. – intervenor U.S.A. moves the Court to compel defts. to answer U.S.' Interr. to Defts. 3rd Set, filed 10/14/81, before the final pre-trial conference scheduled for 11/23/81 – w/cs. tt
	199(3b)	MEMORANDUM IN SUPPORT OF MOTIONS TO COMPEL ANSWERS TO INTERROGATORIES AND FOR DISCOVERY SANCTIONS – by pltf. – intervenor U.S.A. – w/cs. tt
11/23/81		DEPOSITION OF EDWIN YANCY, SR. taken in Raleigh, N.C. on 10/30/81.
		DEPOSITION OF J. D. DODSON taken in Raleigh, N.C. on 10/30/81.
		DEPOSITION OF J. D. DODSON, PART II
		DEPOSITION OF PHIL HASS taken in Raleigh, N.C., on 10/22/81. Not original.

DEPOSITION OF EDGAR J. BOONE taken in Raleigh, N.C., on 10/23/81.

DEPOSITION OF DONALD L. STORMER taken in Raleigh, N.C., on 10/23/81.

DEPOSITION OF THOMAS C. BLALOCK taken in Raleigh, N.C., on 10/23/81.

DEPOSITION OF LEONARD RALPH SASSER taken in Raleigh, N.C., on 10/30/81.

DEPOSITION OF MARTHA RUTH JOHNSON taken in Raleigh, N.C., on 10/29/81.

DEPOSITION OF DR. DANIEL GODFREY taken in Raleigh, N.C., on 10/22/81.

DEPOSITION OF ZACKIE W. HARRELL taken on 10/15/81.

DEPOSITION OF ZACKIE W. HARRELL, PART II, taken in Raleigh, N.C., on 10/29/81.

DEPOSITION OF TALMADGE BAKER in Raleigh, N.C., on 10/22/81.

DEPOSITION OF DEWEY GILBERT HARWOOD, JR. taken on 10/9/81.

DEPOSITION OF JOSEPHINE PATTERSON taken on 10/9/81.

DEPOSITION OF JOHN RICHARDSON taken on 10/15/81.

DEPOSITION OF GEORGE W. O'NEAL taken on 10/15/81.

DEPOSITION OF CLYDE D. PEEDIN, SR., taken on 10/15/81.

DEPOSITION OF ELIZABETH MELDAU taken in Raleigh, N.C., on 10/30/81.

DEPOSITION OF HUGH LUPTON LINER taken on 10/16/81.

DEPOSITION OF HUGH LUPTON LINER, VOL. II, taken in Raleigh, N.C., on 10/23/81.

DEPOSITION OF DR. PAUL DEW taken on 10/16/81. cgh

200 DEFTS' RESPONSE TO U.S.' MOTION TO COMPEL ANS. TO INTERR. & MOT. FOR DISCOVERY SANCTIONS – w/cs.

201(3b) MEMO. IN SUPPORT OF MOTIONS FOR SANCTIONS BY defts. – w/cs.

202 DEFTS MOTION FOR SANCTIONS AGAINST THE UNITED STATES, RULE 37, F.R.Civ.P. – w/cs & attachments. cgh

203 MOTION FOR SUBSTITUTION OF PARTIES by pltfs. to substitute spouses of deceased pltfs. Cy. to opposing counsel in courtroom. (Filed in Open Court) 204 MOTION TO AMEND by pltfs. in Re: to pltfs. that have just gotten "Right to Sue" letters. Cy. to opposing counsel in courtroom. (Filed in Open Court.) W/attachments.

	205	AFFIDAVIT of Burton Craige re: the photocopying of Personnel Data cards. Cy. to opposing counsel in courtroom. (Filed in Open Court.)
	206(3b)	MEMORANDUM IN SUPPORT OF APPEAL by pltf.'s from Mag. Leonard's Order of 11/17/81. Cy. to opposing counsel in courtroom. (Filed in Open Court) cgh
		Motion hearing & Pre-Trial conference held before J. Dupree in Raleigh, N.C. Cressie Thigpen, Ed Reibman, Squire Padgett & Burton Craige for pltfs.: Howard Manning, Sr., Howard Manning, Jr., & Millard Rich for the defts. All motions must be filed by 11/25/81 at 5:00 p.m. & responses filed by 5:00 p.m. on 11/27/81. Final P/T to be at 10:00 a.m. on 11/30/81. ETT: 12 weeks. cgh.
11/23/81		Received from Atty. Craige a packet of info. containing date on current USDA employees by educational degree & race—responding in part to Mag. Leonard's Order of 11/12/81. cgh
11/24/81	207(46)	SUPPLEMENTAL MEMORANDUM IN SUPPORT OF APPEAL—pltfs. again request that they be permitted to copy said

		personal data cards prior to trial or, in the alt. subpoena them for use at trial – w/cs. cy. J. Dupree tt
11/25/81	208	MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF DEFENDANT'S LIABILITY – by pltf.-intervenor U.S.A. – w/cs. tt
	209(4b)	MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF DEFENDANTS' LIABILITY – by pltf.-intervenor U.S.A. – w/cs. tt
11/27/81	210	MOTION FOR SUBSTITUTION OF PARTIES – Thelma Groves Turner for pltf. J.S. Turner, deceased – w/cs. cgh
	211	DEFTS' RESPONSE TO THE U.S.'S MOTION FOR SUM. JUDG. ON THE ISSUE OF DEFTS' LIABILITY asking that it be denied – w/cs & affidavit of Thomas Carlton Blalock & Francis Giesbrecht. cgh
	212	DEFTS' RESPONSE TO THE U.S. MOTION FOR SUM. JUDG. ON THE ISSUE OF DEFTS' COUNTERCLAIM AGAINST THE USDA & FOR INJUNCTIVE RELIEF – w/cs & attachments. cgh
	213(4b)	PLTF. – INTERVENORS MEMO. IN OPPOSITION TO DEFTS' MOTION FOR SANCTIONS – w/cs.

11/30/81	214	DEFTS' TRIAL MEMO. PUR. TO LOCAL RULE 26.04 EDNC – w/cs. cgh
	215	DEFTS' PRE-TRIAL FINDING OF FACT & CONCLUSIONS OF LAW LOCAL RULE 26.07, EDNC – w/cs. cgh
		Final P/T Conference held before J. Dupree in Raleigh, N.C. Edward D. Reibman, Cressie Thigpen, Jr., Squire Padgett & Burton Craige for pltfs.: Howard Manning, Sr. & Howard Manning, Jr. for defts. Pltfs' mot. to amend re: Title VII claims is allowed. Pltfs' mot. for substitution of parties is allowed. Mot. for sum. judg. on counterclaim is denied. Mot. for sum. judg. on defts' liabilities is denied. Defts' mot. for sanctions is denied. Mag. Leonard's ruling is affirmed. cgh
	216	PLTFS' AMENDED COMPLAINT – pltfs. pray that defts. are enjoined from failing to provide services to minorities equal to those they provide to whites; maintaining segregated 4-H Clubs & Ext. Homemaker Clubs; providing services to 4-H Clubs, Ext. Homemaker Clubs, farmers, etc. on a segregated basis; & engaging in any discriminatory employment practice based on race or national origin. They ask for a

recruitment program, establishment of valid qualifications, hiring of minorities, promoting of minorities; providing monetary compensation to minorities for losses & backpay w/cs. cgh

	217	MEMORANDUM OF PRE-TRIAL COMPLIANCE – w/exhibit list, witnesses, contentions, stipulations, ETT: 12 weeks. cgh
	218	PLTF.-INTERVENORS' OBJECTIONS TO DEFTS' EXHIBITS No. 76, 175, 67(1)-(100). cgh
	219	PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW by pltf. – intervenors' – w/cs. cgh
12/3/81	220	DEFTS' ANSWER TO PLTF'S AMENDED COMPLAINT – praying action be dismissed & costs taxed to pltfs. – w/cs. cgh
12/4/81	221	PLTF'S RESPONSE TO DEFTS' OBJECTIONS TO EXHIBITS – pltfs. request objections be denied – w/cs.
	222	PLTF.-INTERVENORS' RESPONSE TO DEFTS' OBJECTIONS TO EXHIBITS – requesting objections be denied – w/cs. cgh
12/7/81	223	MOTION TO PRODUCE SOURCE DATE OF DEFTS' EXHIBITS 67(1)-(100)-w/affidavit of Doris M. Fuller. cgh

12/17/81	TRANSCRIPT of Non-jury trial, Mon., 12/7/81, before J. Dupree in Raleigh, N.C. Volume I, pages 1-191. cgh
12/21/81	TRANSCRIPT of Non-Jury Trial, Wed., 12/9/81, before J. Dupree in Raleigh, N.C., Volume III, pages 444-672. cgh
12/28/81	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 12/8/81 – Vol. 2.
	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Thurs., 12/10/81 – Vol. 4.
*12/29/81	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Mon., 12/14/81 – Vol. 5.
1/4/82	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 12/15/81 – Vol. 6.
	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Wed., 12/16/81 – Vol. 7.
	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Thurs., 12/17/81 – Vol. 8.
	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Fri. 12/18/81 – Vol. 9.
	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Mon., 12/21/81 – Vol. 10.
1/7/82	TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 12/22/81 – Vol. 11.

		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Wed., 12/23/81 – Vol. 12.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Mon., 12/28/81 – Vol. 13.
1/11/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 12/29/81 – Vol. 14.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Wed., 12/30/81 – Vol. 15.
1/12/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 1/5/82 – Vol. 17.
1/13/82	224	ORDER – all portions of transcript ordered by & delivered to the parties during the course of the trial within 10 days from the date taken or ordered, the charge shall be $4.00/page, which amt. may be divided equally between the U.S. & defts. (CIV O.B. #64, p. 141) (DUPREE, J.) CC to counsel. cgh
1/19/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Mon., 1/4/82 – Vol. 16.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Wed., 1/6/82 – Vol. 18.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Thurs., 1/7/82 – Vol. 19.

		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Fri., 1/8/82 – Vol. 20.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Mon., 1/11/82 – Vol. 21.
1/22/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 1/12/82 – Vol. 22
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Wed., 1/13/82 – Vol. 23.
1/26/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 1/19/82 – Vol. 24.
1/27/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Wed., 1/20/82 – Vol. 25.
*12/28/81	225	DEFTS' MOT. TO DISMISS CLAIMS OF CERTAIN INDIVIDUAL PLTFS. PUR. TO RULE 41(b) & RULE 37(b) – w/cs. (Filed in Open Court) cgh
1/29/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Thurs., 1/21/82 – Vol. 26.
2/1/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Fri., 1/22/82 – Vol. 27.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Mon., 1/15/82 – Vol. 28.

2/2/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Tues., 1/26/82–Vol. 29.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Wed., 1/27/82–Vol. 30.
		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Thurs., 1/28/82–Vol. 31.
		Non-Jury Trial began on Mon. Dec. 12, 1981, before J. Dupree in Raleigh, N.C. Ed Reibman, Cressie Thigpen, Squire Padgett, & Burton Craige for the pltfs. Howard Manning, Sr. Howard Manning, Jr., Millard Rich, Jr. for the defts. 31 days for the trial. Final arguments to be heard on *2/12/82, at 10:00 a.m.* before J. Dupree. cgh
.....	FILE #5	.....
2/8/82	226	DEFTS' MOTION TO DISMISS CLAIMS OF CERTAIN INDIVIDUAL PLTFS. PUR. TO R. 41(b) & R. 37(b)–w/cs.
	227	DEFTS' PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW–w/cs.
2/8/82	228	DEFENDANTS' POST TRIAL MEMORANDUM–w/cs.
	229	PLAINTIFFS MEMORANDUM & PROPOSED CONCLUSIONS OF LAW & FACT–w/cs.

	230	POST TRIAL FINDINGS OF FACT, CONCLUSIONS OF LAW & PROPOSED DECREE OF UNITED STATES OF AMERICA, PLAINTIFF-INTERVENOR – w/cs.
2/11/82	231	PLAINTIFFS' RESPONSE TO DEFENDANTS' PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW – w/cs.
	232	DEFTS' PROPOSED FINDINGS OF FACT MARKED IN ACCORDANCE W/J. DUPREE'S INSTRUCTIONS w/cs – by Pltf. – intervenor.
File #6		File #5 to J. Dupree. Red folder. cgh
	233	MOTION FOR PRELIMINARY INJUNCTION by pltf. as to the filling of county ext. head in Hertford Co. – w/attachments & cs. cgh
2/19/82		TRANSCRIPT of trial before J. Dupree in Raleigh, N.C., on Fri., 2/12/82 – Vol. 32.
	234	APPENDICES TO PROPOSED DECREE, FILED ON FEB. 9, 1982 – w/cs & attachments.
	235	ERRATA LIST TO U.S.' PROPOSED FINDINGS OF FACT, FILED ON FEB. 9, 1982 & TO U.S.' MARKED COPY OF DEFTS' PROPOSED FINDINGS OF FACT, FILED ON 2/11/82 – w/cs.

	236	REPLY BRIEF to defts' asking to discard the expert's witness, Dr. Charles Mann, statistical records – w/cs. Cys. of entries 234, 235 & 236 to J. Dupree. cgh
3/2/82	237	DEFTS' RESPONSE TO PLTFS' MOT. FOR PRELIMINARY INJUNCTION – pltfs' mot. for prel. injunc. as to Hertford Co. should be denied – w/cs. cgh
3/5/82	238	MOTION FOR PRELIMINARY INJUNCTION by pltf. in re: to vacant position of Co. Ext. Chairman in Warren Co. – w/cs & attachment. cgh
3/26/82	239	DEFTS' RESPONSE TO PLTFS' MOTION FOR PRELIMINARY INJUNCTION asking for denial – w/cs & exhibit A, B & C. cgh
8/20/82	240	ORDER SUBSTITUTING PARTIES – Elizabeth Ivey, Administratrix of the Estate of D. O. Ivey, deceased; Eva L. Greene, Administratrix of the Estate of Cleo Rich Greene; & Thelma Graves Turner, Administratix of the Estate of J. A. Turner, are substituted as parties pltf. of the deceased pltfs. – (DUPREE, J.) (CIV O.B. #66, p. 195) cc counsel tt
	241	MEMORANDUM OF DECISION (CLASS-WIDE CLAIMS) – Court finds that while there was

ample evidence of disparate treatment of blacks by the Extension Service prior to enactment of the Civil Rights Act of 1964, since that time deft. has made conscientious & successful efforts to erradicate the effects of past discrimination, has at no time engaged in purposeful discrimination & pltfs. have fallen short of establishing a preponderance of the evidence that deft. has engaged in a pattern & practice of discrimination; order will enter dismissing the pattern & practice suit of the U.S. as pltf.-intervenor; the claims of the 45 individual pltfs. will be the subject of a separate memo. of decision & order—(DUPREE, J.) (CIV O.B. 66, p. 196) cc counsel tt

242 ORDER DISMISSING COUNTERCLAIM—USDA's mot. for sum. judg. on the counterclaim of the Extension Service is denied—(DUPREE, J.) (CIV O.B. #66, p. 197) cc counsel tt

243 ORDER OF DISMISSAL AS TO CERTAIN INDIVIDUAL CLAIMS—mot. of defts. to dismiss the individual claims of Henry Revell, Chester Stocks, E. C. Short, Calvin Hargrove, Robert Lee Lancaster, Clifton Parker, Dorothy M. Hearne,

Louise Penn Slade, Alma Hobbes, Inez Foster, George Koonce, Lloyd Peace, Marilyn Rich White, Mary Crawford, Elizabeth Ivey (Admin. of Estate of D. O. Ivey) & Essie Moore is allowed & the action as it relates to these named pltfs. is dismissed w/prejudice—(DUPREE, J.) (CIV O.B. #66, p. 198) cc counsel tt

8/20/82 244 JUDGMENT ON CLASS-WIDE CLAIMS—U.S. as pltf.-intervenor is not entitled to recover of the defts., or any of them, by reason of any matters alleged in the original complaint in intervention or the amend. complaint in intervention & that the action of the pltf.-intervenor be & is dismissed w/costs—(DUPREE, J.) (CIV O.B. #66, p. 199) cc counsel tt

245 ORDER DISMISSING ACTION AS TO INDIANS—insofar as the action undertakes to assert a cause of action on behalf of Indians, the same is dismissed—(DUPREE, J.) (CIV O.B. #66, p. 200) cc counsel tt

246 ORDER OVERRULING MOTION FOR PRELIMINARY INJUNCTION—mot. of pltfs. for a preliminary injunction filed 2/11/82 w/respect to the co. extension chairmanship in

Hertford Co., N.C. is overruled & dismissed as moot – (DUPREE, J.) (CIV O.B. #66, p. 201) cc counsel tt

247 ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION – WARREN COUNTY – pltfs.' mot. for preliminary injunction filed 3/5/82 w/re to vacant position of co. ext. chairman in Warren Co. is denied but w/out prejudice to such rights as George Koonce may have, or claim to have, w/respect to the failure of defts. to recommend him for appointment as co. ext. chairman to fill vacancy created by retirement of L. C. Cooper – (DUPREE, J.) (CIV O.B. #66, p. 202) cc counsel tt

9/14/82 248 NOTICE OF APPEAL – by pltfs. W/CS. Filed copy to counsel, Judge Dupree, Court of Appeals including CC of index, transmittal letter. Copy of order appealed from to Court of Appeals. keb

9/17/82 249 MEMORANDUM OF DECISION (INDIVIDUAL CLAIMS) – judg. to be entered dismissing the individual claims as the Ext. Service endeavored to comply with the law. (DUPREE, J.) (CIV O.B. #67, p. 34) CC to counsel. cgw

	250	JUDGMENT – this action is dismissed as to all individual pltfs. Each side will bear its own costs. (CIV O.B. #67, p. 35) (DUPREE, J.) (ENT. 9/17/82) CC to counsel.
9/29/82	251	NOTICE OF APPEAL – each of the above named plaintiffs appeal to the U.S. Court of Appeals for the Fourth Circuit from the Judgment and Memorandum of Decision (Individual Claims) entered in this action on the 17th day of September, 1982. W/CS. Filed copy to Counsel, Judge Dupree and Court of appeals with CC of index and transmittal letter. keb
10/7/82	252	DESIGNATION OF RECORD ON APPEAL – by defendants. W/CS. keb
10/19/82	253	DEFENDANTS' MOTION FOR AN AWARD OF ATTORNEYS' FEES, COSTS AND EXPENSES – by defts. W/CS. keb
	254	AFFIDAVIT OF HOWARD MANNING, Sr. in support of defts. W/CS. keb
	255(4b)	MEMORANDUM IN SUPPORT OF MOTION FOR AND AWARD OF ATTORNEYS' FEES, COSTS AND EXPENSES – by defts. W/CS. keb
10/19/82	256	NOTICE OF APPEAL – by U.S.A., plaintiff intervenor.

		W/CS. Filed copy to the Court of Appeals with transmittal letter and CC of Index. Copies to counsel. (entered 10/21/82) keb
10/20/82	257	DESIGNATION OF RECORD—by Edward Reibman, atty for pltfs. W/CS. keb
10/27/82	258	DESIGNATION OF RECORD—by USA W/CS. keb
11/8/82		Mailed record on appeal to the U.S. Court of Appeals including Volumes I thru XVII—pleadings, XVIII and XIX—memoranda, XXXIV thru XLIII—transcripts, with cc of index and transmittal letter. Copies to counsel. Volumes XX thru XXXIII (exhibits) to be forwarded by counsel. keb
11/8/82	259	MEMORANDUM IN RESPONSE TO DEFENDANTS' MOTION FOR AND AWARD OF ATTORNEYS' FEES, COSTS AND EXPENSES—by USA. W/CS. keb
11/15/82	260	NOTICE OF APPEAL—by USA from the September 17, 1982 order. Filed copies to counsel, Judge Dupree, and 4th Circuit with transmittal letter.
12/2/82	261	PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR AN AWARD OF ATTORNEY FEES, COSTS, AND EXPENSES—by pltfs. W/CS. keb

12/8/82	262	ORDER – the ruling on defendant's motion for attorneys' fees, costs and expenses will be stayed pending plaintiffs' appeal to the Fourth Circuit Court of Appeals. (Dupree) CIV OB #68, pg. 8. CC to counsel.
4/29/85	263	PUBLISHED OPINION OF THE FOURTH CIRCUIT – Affirming the decision of the dist. ct. CC to Judge Dupree. jrj
	264	JUDGMENT OF THE COURT OF APPEALS – AFFIRMED. CC to Judge Dupree. jrj
	265	BILL OF COSTS – costs are taxed by the Clerk of the US Court of Appeals for the Fourth Circuit in the amount of 225.00 CC to Judge Dupree. jrj
		Case file to Judge Dupree for ruling on motion for attorneys fees, costs and expenses. Record in Room 630. jrj
5/14/85	266	ORDER – that the defts. motion for attorneys' fees is DENIED and defts. motion for costs on appeal is ALLOWED. (DUPREE) CIV OB #78, p. 171. CC to parties. jrj

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
NORTH CAROLINA
RALEIGH DIVISION

CIVIL NO. 2879

P. E. BAZEMORE, ET AL., PLAINTIFFS

VS.

UNITED STATES OF AMERICA, ET AL.,
PLAINTIFF-INTERVENORS

VS.

WILLIAM C. FRIDAY, AS PRESIDENT
OF THE UNIVERSITY OF NORTH CAROLINA, ET AL.,
DEFENDANTS

MEMORANDUM OF DECISION AND ORDER

CIV. O.B. #54, P. 41

Various black employees and service recipients of the North Carolina Agricultural Extension Service (NCAES) brought this action on November 18, 1971 pursuant to 42 U.S.C. §§ 1981, 1983 and 2000d (Title VI of the Civil Rights Act of 1964) against multiple government officials alleging racial segregation and discrimination in employment practices and delivery of services by the NCAES. Plaintiffs generally contend that (1) black NCAES employees receive lesser pay and positions on account of their race; (2) NCAES services are segregated and blacks receive inferior service from the NCAES; (3) the NCAES maintains racially segregated Homemaker Extension Clubs and 4-H Clubs.

The defendants are the United States Secretary of Agriculture; the Administrator of the Federal Extension Service; the president of the Consolidated University of North Carolina (UNC); the Chancellor of North Carolina State University (NCSU); the Director of NCAES; the Board of Governors of UNC; UNC; and three county commissioners. All individual defendants are sued in their official capacities.

On April 7, 1972, the United States intervened as a party-plaintiff. The defendants thereafter filed a third-party complaint against the Secretary of Agriculture and Administrator of the Federal Extension Service in their official and individual capacities. The court realigned the third-party defendants, however, as plaintiff-intervenors on July 21, 1972. The parties engaged in extensive discovery until the completion date on March 23, 1973. Since then, the court has conducted two pre-trial conferences, one as recently as December 29, 1978. Currently pending are five matters awaiting decision: (1) plaintiffs' motion to certify proposed plaintiff and defendant classes; (2) plaintiff United States' motion to amend the intervention complaint to include allegations of racial and sexual discrimination in violation of Title VII (42 U.S.C. § 2000e, *et seq.;* (3) question of whether the Eleventh Amendment bars recovery of back pay; (4) the Secretary of Agriculture's motion to dismiss defendants' counterclaim (formerly designated as third-party complaint prior to realignment); and (5) plaintiffs' motion to reopen discovery.

CLASS CERTIFICATION

A. *Proposed Plaintiff Classes.*

Plaintiffs first seek to certify four subclasses consisting of black and Indian NCAES service recipients and members of Extension Homemaker and 4-H Clubs, pur-

suant to F.R.Civ.P. 23(b)(2).[1] Plaintiffs contend that only black agents are assigned to render services to black NCAES recipients and that the Extension Homemaker and 4-H Clubs are racially segregated in contravention of the Fourteenth Amendment and Title VI.

Rule 23(b)(2) was tailored to remedy this type of alleged discrimination, for civil rights actions are by their nature amenable to class relief. Black plantiffs have, therefore, often represented fellow blacks who receive services on a segregated basis. *E.g., Bailey v. Patterson,* 369 U.S. 31, 32-33 (1962), *cited in East Texas Motor Freight v. Rodriguez,* 431 U.S. 395, 403 (1977); *Nesmith v. Young Men's Christian Association of Raleigh, N.C.,* 273 F. Supp. 502 (E.D.N.C. 1967), *reversed on other grounds,* 397 F.2d 96 (4th Cir. 1968). Discrimination cases do not, however, qualify as class actions per se. The burden is upon the moving plaintiffs to prove the requirements of Rule 23 are met. Plaintiffs do not carry their burden merely because of their race or request for class relief. *Doctor v. Seaboard Coast Line Railroad Company,* 540 F.2d 699 (4th Cir. 1976). Nor do they carry the burden by filing "boilerplate memoranda laden with self-serving conclusions." *Shelton v. Pargo, Inc.,* 582 F.2d 1298, 1312-13 (4th Cir. 1978). Rather, the moving party must come forward with facts obtained in extensive discovery showing the necessity for class relief. *Id.; see* Shawe, *Processing the Explosion in Title VII Class Action Suits: Achieving Increased Compliance With Federal Rule of Civil Procedure 23(a),* 19 Wm. & Mary L.Rev. 469, 516-17 (1978).

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[1] "An action may be maintained as a class action if the prerequisites of subdivision (a) are satisfied, and in addition:

* * * * * *

"(2) The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole;"

The parties have engaged in extensive discovery in this case; but the only factual basis brought forward by the plaintiffs in support of class certification is their unverified complaint. Plaintiffs have pointed to no facts within the record built by discovery showing the prerequisites of Rule 23 have been met.[2] Plaintiffs have therefore failed to meet the burden imposed upon them to show the need for class certification of NCAES service recipients, and the motion for class certification of the putative subclasses is therefore denied.

Plaintiffs also seek class certification of all NCAES black and Indian employees since November 18, 1971. Certification of this class must be denied for the same reasons enunciated above. However, certification of this putative class would remain unlikely even if plaintiffs were able to make a substantial factual showing, for the courts have tightened Rule 23 standards in employment discrimination cases. *Shawe, supra.* A brief description of the NCAES program reveals the rationale for the increased restrictions.

The NCAES was established as a part of NCSU by federal and state legislation for the specific purpose of extending the University's educational service to North Carolina farm families on subjects relating to agriculture, home economics, and youth, as well as community and natural resource development. The Service is the principal means by which the University's research findings and the subjects are communicated to the people.

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[2] Plaintiffs' counsel represented to the court during the pre-trial conference held December 29, 1978 that they would come forward with information gained from discovery, summarize it, and submit it in support of their class certification motion (see Tr. pp. 45-46). The court never received this information.

The Service operates as a partnership between three levels of government - federal, state and county. These levels are officially represented by the United States Department of Agriculture (USDA), NCSU, and the county boards of commissioners. The Service operates in each of North Carolina's one hundred counties, with a small percentage of its employees located in the Raleigh headquarters. By this arrangement, county extension agents are joint employees of NCSU and the counties in which they work. They are also official representatives of the USDA.

The NCAES provides a share of the salaries for the county personnel. The salaries are determined jointly by the Service and the county board of commissioners. The NCAES sets the minimum requirements and qualifications for employment and receives and examines applications. It recommends qualified applicants to the county commissioners. The Service accepts responsibility for the administration and supervision of the extension programs and provides a staff of specialists to continuously train the agents in the current technology. In return, each county provides a share of the salaries as well as office space and equipment, etc.

The counties confer with the Service on all personnel action and proposed programs so that they may be tailored to the special needs of the particular counties. Indeed, North Carolina counties vary widely in size, population, topography and agrarian needs. Thus, the labor market available to each county widely differs according to geographic perferences and particular skills needed. Moreover, the racial composition of each county varies. For instance, blacks constitute a majority in some of the eastern tobacco counties, while blacks are a rarity in some of the western regions.

One must conclude, therefore, that "across-the-board" employment discrimination by the NCAES in each of the one hundred counties could not be done in a manner so

that each victim's claim would be guaranteed to be "typical" of the other claims within the class, as required by Rule 23(a). The Supreme Court requires that the district court must assure itself that the class representatives are in fact members of the class they purport to represent. Because the manner of employment discrimination widely varies according to different work facilities, available personnel and managerial needs, the burden of proving that the class representatives are in fact members of a broad class in "across-the-board" employment discrimination cases is difficult. Moreover, the Fourth Circuit requires in employment discrimination cases that all the plaintiff representatives and all the class members must be from the same work facility within an employer's network of multiple work locations and in the same type of employ, *Hill v. Western Electric Company, Inc.*, 596 F.2d 99, 102 (4th Cir. 1979), particularly when the multiple work facilities draw from different labor markets and have different types of work positions. *Patterson v. American Tobacco Company,* 535 F.2d 257 (4th Cir. 1976). A representative plaintiff cannot represent workers within the same facility who hold a different type of job or employees in different facilities with the same kind of job. *Hill,* 596 F.2d at 102.

In the instant case, black and Indian NCAES employees are scattered over the state, holding different jobs and specialities according to the needs of the particular counties in which they work. The representative plaintiffs of the putative class come from roughly thirty of the one hundred counties. In no sense can they be deemed to work within the same facility or hold the same job or position as each of the other black and Indian NCAES employees in the remaining seventy counties. Accordingly, the individual plaintiffs cannot be deemed to be members of the class which they purport to represent. *Rodriguez, supra.* Class certification of the plaintiff employee class is therefore denied.

B. *Defendant Class.*

Plaintiffs have also moved to certify as a class all county commissioners of North Carolina's 100 counties. The motion is meritorious at first blush, for any judicial decree imposed upon the NCAES would directly affect the governing bodies of each of the counties. The county commissioners work closely with NCAES officials, and any restraint upon the NCAES would necessarily restrain the commissioners. Nevertheless, the plaintiffs cannot maintain an action against all the county commissioners for lack of standing to sue. No Article III "case or controversy" exists when a representative plaintiff has not suffered an "injury in fact" imposed by *each member* of the putative defendant class. *O'Shea v. Littleton,* 414 U.S. 488 (1974); *Weiner v. Bank of King of Prussia,* 358 F. Supp. 684 (E.D. Pa. 1973).[3] Here, the prerequisites of Rule 23 are likely met; nevertheless, the plaintiffs cannot bootstrap themselves into standing they lack under the Constitution merely because they fulfill the requirements of the federal rules. *Weiner,* 358 F. Supp. at 694, citing 28 U.S.C. § 2072 (Rules Enabling Act); Comment, *Jurisdical Links Exception to the Typicality Requirement in Multiple Defendant Class Actions: The Relationship of Standing and Typicality,* 58 Boston Univ.L.Rev. 492, 497 (1978). Because not all of the plaintiffs have dealt with every county commissioner in North Carolina, they cannot establish direct injury caused by each defendant class member. Accordingly, plaintiffs' motion to certify the defendant class is denied for lack of subject matter jurisdiction.

MOTION TO AMEND INTERVENTION COMPLAINT

The United States moved on February 28, 1975 to amend its intervention complaint to include allegations of

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[3] The requirement that each representative plaintiff must be injured by each member of the defendant class is not eased if a plaintiff class if certified. *O'Shea, supra.*

racial and sexual discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e, *et seq.* The defendants strenuously object to the motion, citing delay and the burden that would be placed upon the defendant should the amendment be allowed.

Rule 15 of the Federal Rules of Civil Procedure provides that leave to amend "shall be freely given if justice so requires." Whether justice requires leave to amend depends, however, upon a balancing of the factors enunciated in *Foman v. Davis,* 371 U.S. 178, 182 (1962): (1) whether an amendment would unduly delay the litigation; (2) whether the motion is made in good faith; (3) whether the non-movant would be unduly prejudiced by allowance of the amendment; and (4) whether the amendment on its face would fail to be of benefit to the movant's case.

First, a substantial probability exists that the litigation would be unduly delayed should the United States' proposed amended complaint be allowed in its entirety. An inquiry into whether the defendants have engaged in sexual discrimination in violation of Title VII would introduce a new lawsuit into this already prolonged litigation. Insofar as the amended complaint alleges racial discrimination, however, a delay would not likely be caused. The parties have already engaged in substantial discovery and fact investigations, the fruits of which can be used to prove violations of Title VII as well as Title VI and 42 U.S.C. §§ 1981 and 1983. Moreover, the case has not been calendered for trial.

Nevertheless, the case is one of the oldest on the Eastern District's docket. Two pre-trial conferences have been held as well as a lengthy motion hearing. Should the amendment concerning sexual discrimination be allowed, the court's efforts to adjudicate the thousands of other cases awaiting ruling in this one-judge district would be further frustrated.

Secondly, the record does not reveal that the delayed motion has been made with any malevolent purpose. It was settled only recently that the United States could bring Title VII actions against governmental entities. Still, the United States delayed three years after Congressional authorization to bring Title VII suits and two years after the close of discovery in bringing this motion. Defendants' counsel were not apprised of the plaintiffs' concerns with sexual discrimination until one month before the motion was filed.

Thirdly, the amendment manifestly would aid the plaintiffs' case due to the more lenient standard of proof and the availability of money damages against the state in Title VII actions. *Fitzpatrick v. Bitzer,* 427 U.S. 445 (1976).

Fourth, the likelihood of undue prejudice to the defendants is high should the amendment be allowed. The issues have been joined in this action for roughly nine years; the parties have expended considerable time, effort and money. Should allegations of sexual discrimination be allowed, defendants would be forced to incur increased costs and attorney fees while their counsel would be engaging in further protracted discovery and investigation into discrimination in the NCAES based upon sex. On the other hand, little additional effort would be required in order to shed light on racial discrimination as applied to Title VII.

The court concludes upon balancing these facts that the amendment should be allowed, but only insofar as it alleges racial discrimination. Insofar as the amended complaint alleges sexual discrimination, however, the motion to amend is denied. The court's ruling strikes a balance between protecting the rights of the original plaintiffs under all the applicable statutes and the court's responsibility to insure continuous and expedited flow of its docket.

RECOVERY OF BACK PAY

The court raised *sua sponte* the issue of whether plaintiffs' prayer for back pay was barred in all instances by the Eleventh Amendment. The parties have submitted scholarly briefs on this issue and the court has been aided by decisions that have come down since that time.

The court must first address the preliminary question of whether any of the defendants are the "state" as contemplated by the Eleventh Amendment.

William C. Friday, President of Consolidated University, John T. Caldwell, Chancellor of NCSU, and George Hyatt, Jr., Director of NCAES, are all sued in their official capacities. The UNC Board of Governors and UNC itself are sued as separate entities. Plaintiffs contend that the Eleventh Amendment prohibition does not apply to these defendants for they cannot be deemed officers or agencies of the State of North Carolina. Plaintiffs note that UNC and its Board of Governors are separate corporate bodies politic, capable of suing and being sued, and are able to issue corporate bonds without liability by the state. Nevertheless, the Board of Governors develops and presents to the General Assembly on behalf of UNC a single, unified *recommended* budget. N.C.G.S. § 116-11(9)a(11). The recommended budget includes provisions for salaries, which presumably encompasses back pay. Therefore, should the court award the plaintiffs back pay, the funds available for satisfying the judgment must necessarily come from the state treasury. UNC, its Board of Governors and officers must be deemed to be agencies of the State of North Carolina. *Thonen v. Jenkins,* 517 F.2d 3 (4th Cir. 1975).[4]

Assuming the defendants are agencies or agents of the state, the court must address the issue of whether the Eleventh Amendment bars recovery of back pay in lawsuits under the statutes asserted by the plaintiffs.

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[4] The plaintiffs in *Thonen* brought their action in 1971 after passage of Chapter 116 of the North Carolina General Statutes.

1. *42 U.S.C. § 1981.* Back pay is not recoverable against the state or state agencies under 42 U.S.C. § 1981, but is recoverable against counties and their officers. *Wade v. Mississippi Cooperative Extension Service,* 424 F. Supp. 1242 (N.D. Miss. 1976), *on remand,* 528 F.2d 508 (5th Cir. 1976).

2. *42 U.S.C. § 1983.* Back pay is not recoverable against the state, its agencies or its officers in their official capacities. *Edelman v. Jordan,* 415 U.S. 651, 675-77 (1974).

3. *Title VI.* Back pay is not recoverable under 42 U.S.C. § 2000d. *Gilliam v. City of Omaha,* 388 F. Supp. 842, 847 (D. Neb. 1975), *citing Edelman, supra, aff'd on other grounds,* 524 F.2d. 1013 (8th Cir. 1975).

4. *Title VII.* Back pay is recoverable from the state treasury in Title VII actions, notwithstanding the Eleventh Amendment. *Fitzpatrick v. Bitzer,* 427 U.S. 445 (1976).

5. North Carolina counties and their officers in their official capacities do not enjoy the protections of the Eleventh Amendment. *Atkins v. City of Charlotte,* 296 F. Supp. 1068 (W.D.N.C. 1969); *see Edelman, supra.*

UNITED STATES' MOTION TO DISMISS COUNTERCLAIM

Defendants asserted in their third-party complaint filed April 21, 1972 that the third-party defendants (Secretary of USDA and Administrator of the Federal Extension Service) are ultimately liable for any monetary award assessed against the defendants and that the third-party defendants have applied various statutes and regulations to the defendants in a manner violating the equal protection clause of the Fourteenth Amendment. The third-party defendants filed a motion to dismiss the third-party complaint on June 22, 1972. The court afterward realigned the third-party defendants as plaintiffs on July 21, 1972. The court specified in the realignment order that "[a]ll claims and requests for relief set forth in the Third-Party Complaint are hereby preserved as . . . counterclaims." The United States' motion to dismiss the third-party complaint, is now treated as a motion to dismiss the counterclaim.

1. Plaintiffs first pose a series of objections in their motion to dismiss dealing with defendants' compliance with Rule 14, F.R.Civ.P. - impleader (third-party practice). Because the court now treats the third-party complaint as a counterclaim, however, plaintiffs' objections regarding compliance with Rule 14 are irrelevant.

2. Defendants allege in their counterclaim that applicable federal statutes and regulations merely require non-discrimination and do not compel affirmative-action responses to a past history of racial discrimination. Defendants contend, however, the plaintiffs are imposing an affirmative action program upon the defendants and not upon any other state agency in the country. This practice, defendants argue, violates the equal protection clause. Plaintiffs state in their motion to dismiss that a letter from the EEOC office to the Director of NCAES shows that defendants' allegations are erroneous in that the plaintiffs have merely required the defendants to take actions approved by courts in other contexts.

Plaintiffs' argument is without merit for several reasons. First, the plaintiffs' motion to dismiss the counterclaim pursuant to Rule 12(b)(6) merely tests the sufficiency of the allegations within the counterclaim, without reference to facts appearing outside of the pleadings. The court cannot, therefore, consider the contents of the EEOC letter to the defendants without treating the motion as one for summary judgment under Rule 56, and then only after appropriate notice to the defendants. No notice has been given to the defendants that the plaintiffs are treating the motion as one for summary judgment. Secondly, a review of the letter indicates that the plaintiffs seek to impose a quota system on the defendants in that the plaintiffs have required that fifty per cent of all position vacancies are to be filled with minority groups until the racial composition of the NCAES reflects the racial composition in the community. Thirdly, plaintiffs' argument that the affirmative action plan merely tracks a

program approved by a court in another context does not address defendants' allegations that the plan is imposed in contravention of the equal protection clause.

Accordingly, plaintiffs' motion to dismiss the counterclaim is denied.

PLAINTIFFS' MOTION TO REOPEN DISCOVERY

The plaintiffs move to reopen discovery on the basis that the racial composition for the NCAES and various employment practices may have changed over the years since the close of discovery. The defendants object only on the basis that the proper scope of discovery cannot be ascertained until the court has ruled on the class certification motions, the motion to amend the original complaint to include Title VII, the back pay issue, and the motion to dismiss the counterclaim. Since the court has now ruled upon all outstanding matters, the permissible scope of discovery is clearer. Moreover, the court could benefit from a factual appraisal of the current racial balance and employment practices within the NCAES. The data would directly affect the need, mode and scope of any judicial decree that may be rendered in the case. The parties are allowed to and including February 1, 1980 within which to complete discovery.

SO ORDERED.

F. T. DUPREE, JR.
UNITED STATES DISTRICT JUDGE

OCTOBER 9, 1979.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
NORTH CAROLINA
RALEIGH DIVISION

CIVIL NO. 2879

P. E. BAZEMORE, ET AL., PLAINTIFFS

VS.

WILLIAM C. FRIDAY, ET AL.,
DEFENDANTS

ORDER

This action came before the court for hearing on various pending motions on July 17, 1981, and it is on the basis of the arguments of counsel and the memoranda of record that the court makes the following rulings.

On November 5, 1979, plaintiffs moved the court to reconsider its order of October 9, 1979 which denied the motion for certification of a plaintiff and defendant class under Rule 23 of the Federal Rules of Civil Procedure. After careful review of the additional filings in support of plaintiffs' motion to reconsider and consideration of the arguments presented, the court concludes that the decision to deny class certification was correct and in accordance with the law in this circuit. *See Hill v. Western Electric Company, Inc.*, 596 F.2d 99 (4th Cir. 1979); *see also Abron v. Black & Decker, Inc.*,__F.2d.__, No. 79-1871 (4th Cir., decided July 17, 1981). Accordingly, the motion to reconsider and certify a class is denied for the reasons set forth in the court's order of October 9, 1979.

Good cause having been shown, the motion of plaintiff-intervenors to set aside the default entered against them on November 6, 1979, is allowed. Rule 55(c), F.R.Civ.P.

The defendants' motion for a protective order, filed on January 8, 1980, is denied. However, the court would encourage the parties to mutually agree to reasonable limitations on the scope of discovery in order to expedite the disposition of this case.

Although it appears to the court that the discovery sought by defendants' motion to compel, filed February 14, 1980, has been or is being provided by plaintiffs, the motion is allowed and plaintiffs are directed to continue their efforts to complete their answers to defendants' interrogatories.

SO ORDERED.

F. T. DUPREE, JR.
UNITED STATES DISTRICT JUDGE

JULY 29, 1981.

TRIAL TESTIMONY OF THOMAS BLALOCK (EXCERPTS)

[3811] * * * * *

Q. Dr. Blalock, there has been some testimony here with respect to a decision in connection with the 4-H and Homemakers Clubs in the so-called reasonable action or reasonable effort. Do you recall that testimony when Dr. Harwood was testifying? It involved an inquiry into the cost of reasonable effort programs?

A. Oh, yes; I do. Yes.

Q. Are you familiar with that situation?

A. Yes.

Q. And the incidents that transpired at that time?

A. Yes. I recall that.

Q. If you would, would you relate to the court your recollection of the problems?

A. The situation that led to that particular discussion related to the 1974 Civil Rights initiative. All reasonable effort, as has been defined by the Department of Agriculture, in terms of organizing and maintaining clubs in biracial communities at one time involved knocking on doors and getting a signed affirmation from individuals—either youth or adults in that community—that they had been contacted and did not wish to participate.

They later modified that to simply include that you had to knock on doors and invite people to [3812] participate. We were debating at that time whether we ought to take that step in North Carolina as one further step of trying to comply.

At that time, Dr. Stormer was on our staff and had been in Texas at the time the Texas Extension Service had implemented the Affirmative Action Program in Texas that included the all reasonable effort. That did include the knocking on doors in individual communities.

And Dr. Stormer estimated for us the magnitude of the expense in taking that one step in all reasonable effort. It was my judgment, and based on conversations with Dr.

Stormer and other state people who had been through that, that in terms of what this achieves in relation to the cost, it is not very great; that it is not a very cost-effective step.

And so I had concluded that we would not take that step because of the limited resources we had. At that time we were dealing with some rather tough budget problems. That did not seem to me to be the highest priority use of staff resources to have them knocking on individual doors checking with individual youngsters or adults in that community.

And so we made an inquiry to your office as to the impact of this and what we ought to do on the suit. But I had already made the decision that I was not going [3813]to do that, regardless of what your advice was, because of the cost. I did not feel it was a cost-effective thing.

The Court: Were you trying to get him to knock on doors, and he would'n't do it?

The Witness: No, sir; he did not, fortunately. But I had made the decision before his response came back.

By Mr. Manning, Sr.:

Q. As a manner of fact, the cost factor had been brought out in a meeting which I attended two years before; Had it not?

A. Yes; It had. Yes.

Q. And that was what was discussed?

A. Yes.

The Court: You say even if he had recommended it—

The Witness: (Interposing) He had said—I did not ask him whether we should do this or not. I asked him the impact of this. If we did something of this sort, is this going to incriminate us? Is this going to give us problems if we go into court?

And we have kept a dialogue with him of trying to not inadvertently stumble into something that we didn't intend to do. So I did not ask him. I made up my [3814] mind that even if he said, "I see no problem as an impact on your suit," I was not going to take that step at this time.

[3907] * * * * *

Q. Dr. Blalock, based upon your attendance at that meeting, did it cause you to raise questions related to the salaries of black employees and female employees in the North Carolina Extension Service?

A. Of black and female employees?

Q. Yes.

A. Yes. The EEO Program deals specifically with those two categories of employees, and so that would have been our concern.

Q. All right. And that memoranda specifically indicates that black males and females were your concern—or women were your concern; is that not true?

A. I would have to reread the memorandum to be sure of that. It's been a long time. May I?

Q. Yes.

[3908] (Witness peruses document.)

A. Yes. My notes would indicate that I concluded that we had a concern in this area and indicated the reasons why differences in salaries existed. The competitive market being one of the factors—that there was a competitive market for—

Q. (Interposing) Not to interrupt you, but what paragraph are you reading from?

A. I'm reading from item eight on the third page.

Q. Would you read the entire item, please?

A. Yes.

". . . Believe you'd agree our salaries for women and nonwhite men on average are lower—our figures would verify—due to several factors."

The first point:

". . . The competitive market. This is not acceptable as a reason though."

And I do not agree with that.

Q. Even though you wrote it?

A. I do not agree with the fact that it is not accepted.

Q. But that was your view at the time?

A. That the competitive market is a factor in [3909] causing differences in salaries; Yes.

Q. But you said it is not an acceptable reason?

A. They had indicated in Washington that that was not an acceptable reason.

The Court: It would be helpful if you would explain to me the circumstances. What did this memorandum embody? Did it purport to show what you thought about something, or were you reporting on some meeting you attended, or just what was it?

The Witness: I was reporting on a meeting I attended, the information I had gained out of that meeting, what it appeared we were going to have to do in the future, and some needs that I felt we had to—some areas that we needed to do something about in North Carolina.

The Court: I think his question is, when you write saying "This is not acceptable as a reason though," Did you mean it was not acceptable to the authorities who were in charge of implementing the EEO Act or not acceptable as a reason to you personally?

That was your question?

Mr. Padgett: Yes.

The Witness: That was my—that's what—and remember these are notes. This is not a published presentation, but something that I used to speak from. [3910] The statement was intended to convey that the officials in Washington did not accept the competitive market as a justification for any differences in salaries that might exist. My explanation was that I do not agree with that conclusion because it is an economic reality that we deal with every day and only seem to have problems when it deals with either race or sex of accepting that it isn't a factor.

The second point under there is "tradition." Again, that salaries for women and blacks traditionally have been lower; and third, that it was "less county support for non-white positions," which again was a traditional thing.

By Mr. Padgett:

Q. When you were talking about tradition, you were talking about in the State of North Carolina at that time?

A. No, sir, I was talking about nationally.

Q. That would include the State of North Carolina?

A. Of course.

Q. Directing your attention further in your memoranda to paragraph 17 and 18—

A. (Interposing) Yes.

Q. —Have you had an opportunity to review paragraphs 17 and 18?

[3911] A. Yes; I have.

Q. Would you read paragraph 17, please?

A. Paragraph 17 says:

". . . majority are $500-$700 range. County should probably do $300-$400 also—for total of $800-$1,100."

Q. Was that your calculation as to the average difference in salaries of black males and females, or women?

A. This was a figure that I had concluded that we ought to do to make the adjustments in salaries that we needed to make at that time in response to the changing salary structures of our entry level salaries and in response to what we knew we were going to have to do as a result of the EEO Act.

Q. And as it related to incumbent employees?

A. Pardon me?

Q. As it related to incumbent employees?

A. Incumbent?

Q. Yes.

A. Yes.

Q. Those figures relate that of the $800 to $1,100 that only $300 to $400 of it would be accountable to the counties; Is that correct?

A. Yes.

[3912] Q. And that $500 to $700 would be—the State would be accountable for?

A. Yes.

Q. Or that would be the difference?

A. Yes.

Q. And was "18" your specific recommendation?

A. Beg your pardon?

Q. And what was "18"? Would you read "18" for us?

A. Eighteen says:

". . . No one gets less than $500."

We had concurred that we would do an across the board—at least $500—on those employees affected. It says:

". . . I believe no one will get less than $200 July, assuming the 5 percent increase."

At this stage—and I'm assuming this must have been done in the spring while the General Assembly was still in session and had not taken final action on salary increases—we had anticipated that no one would get less than a $200 total increase at that time.

Q. Was this actually, in fact, carried out?

A. Number 18?

Q. Number 18.

A. I cannot recall. I really can't. I do not remember what happened that year.

[3913] Q. Do you recall if the State did, in fact, get the counties to contribute $300 to $400?

A. I would say in the majority of the cases, no.

Q. The majority of the cases, no?

A. Yes.

Q. Did you ask the counties to contribute?

A. Yes. In every case, we asked the counties.

Q. You asked them to contribute and they didn't?

A. Yes.

Q. Did you follow up on it after you initially asked them?

A. What do you mean by "follow up"?

Q. I mean utilize the available leverage or resources that the State had to encourage counties to take an action that the Extension Service thinks is appropriate.

Mr. Manning, Sr.: Objection to the word "leverage." I don't know what you mean. Like the Federal Government holding up funds? Objection, if your honor pleases, to the form of the question.

The Court: Overruled. I'll let him say what he did.

The Witness: We have no leverage. Ours is totally persuasion, and we made a—I would say—concerted effort by persuasion. This was not something we [3914] sent them in a memorandum and asked them to respond to. We visited personally with the counties and explained to them what was being done and what their obligations were and asked for their contribution. We were successful in some; we were not successful in others.

* * * * *

TRIAL TESTIMONY OF DONALD STORMER (EXCERPTS)

[4979] * * * * *

These other ones are similar. And again, I don't have the newspapers on all of these. This one says Whiteville, October 1981. There are just numerous—I doubt if there is a 4-H Club ever organized in the State of North Carolina that there isn't some public notification.

Q. What is the policy of the State 4-H and the North Carolina Agricultural Extension Service on notice with respect to race?

A. It is our policy that the organization of a unit will get public notification. These are handbills that are posted in schools and other places where kids frequent to let it be known that there is a club or group [4980] being organized; and that we would solicit their participation.

[4986] * * * * *

A. Yes. The state membership has remained relatively stable during that period time.

Q. At 95,453 in 1980?

A. Yes—beginning with 95,589 in 1974.

Q. Now, directing your attention to number 227—defendants' 227—would you explain that, please, sir, to the Court?

A. Yes. This is a racial breakdown for volunteers and 4-H members for the years '72, '76 and '80. I call your attention first to the volunteers. In 1972 there were 2,665 black volunteers. In 1980, there were 4,022. While the percentage of our total volunteers who were [4987] black decreased from 31 percent in '72 to 27 percent in 1980, the actual numbers increased greatly.

And I think you will see as you go to the white side of this table that we had a rather dramatic increase in the number of white volunteers as well, going from 5,988 in 1972 to 11,122 in 1980. And of course—

Q. (interposing) Now, also—excuse me. Go ahead.

A. Well, the importance of this I think you can see. We in our mission statement say 4-H is operated by volunteers. We label it as a key result area in our management matrix. And it is an area where we feel we have to perform to have a successful program.

Q. And in the growth total, you have moved from 8,600 to 15,144?

A. That is correct.

Q. Now, under 4-H membership, you have given your total growth there based on a racial breakdown?

A. Yes. In 1972 there were 22,174 black youngsters in the 4-H program. In 1980 there were 30,243, maintaining 32 percent of the membership. Conversely, in 1972, 46,313 were white; and in 1980, 64,138. You can see the growth of the program from '72 to '80.

Q. Just based on your experience, do you have any or can you give the Court any input as to why the black [4988]

leadership has dropped down; and yet the number of—other than between '76 and '80, the black membership has increased and increased really from '72 to 1980 by some 8,000 members?

A. Well, in actuality the numbers of black volunteers have increased. But the whites have increased at a faster rate, I think is the explanation there. You can see we almost doubled the corps of volunteers during that period. We did not double in membership.

And that has been our press—has been for volunteers. We feel that if we can get the volunteers, the children are there to be served.

Q. In both instances, what does the ratio of percentage of black leaders and members bear as to the ratio of population of the state?

A. Well, we are well above the State's population of about 22 percent, I believe—27 percent for volunteers and 32 percent for 4-H members at the present time.

[4992] * * * * *

Q. Now, Dr. Stormer, were you involved in the decision that we have heard so much about as to not getting into the knock on door policies?

A. Yes.

Q. All right. Would you mind explaining your involvement to the Court in connection with that matter?

A. I guess I triggered that series of events with a memo that I wrote in 1977. I want to be candid with the Court in this case. I have a strong personal commitment to civil rights. And in the process of examining those initiatives, I got the wrong copy.

Another confession, I guess, is in order. There are three drafts of those 1974 initiatives. And when I sent my secretary to the file, I got "a draft" [4993] that was not "the draft" or the final draft. And it said something different than the final draft.

I wrote the memo explaining the reasonable effort rule to district chairmen and asked that the documentation be kept in those cases where it was used. Betsy Meldau, one of our district chairmen, quickly noted the discrepancy between my memo and those 1974 initiatives and called it to our attention.

And that started the sequence of discussions that finally wound up in the Administrative Council in terms of the Reasonable Effort Rule—or all reasonable effort.

The Court: Maybe he and Dr. Black better check behind their secretaries.

By Mr. Manning, Sr.:

Q. And what happened? Just briefly relate it. We have been into it before. But just briefly relate the sequence of events.

A. Well, in the discussion, I think we were all interested in being good citizens and doing everything that we thought was morally right to bring about as much integration as possible in our programs. And we had a number of discussions in terms of whether we should or should not adopt the Reasonable Effort Rule.

And we finally took it to the Administrative [4994] Council for discussion. As you have heard before, there was unanimity among the Council that we would go ahead with the Reasonable Effort Rule based on some consultation. Based on that and some other further discussions that we had as program leaders, we rescinded that action and did not go with Reasonable Effort.

Now, my reasoning for not going with it was different than some others, as I have heard testimony being given here.

Q. What was your reasoning?

A. I guesss there are two reasons, the first one being that this case was apparently coming to a close. We had the 1974 initiatives in the field.

Q. I believe the judge would feel better if you would say it was coming to trial, because at this point he doesn't think it is ever coming to a close.

A. There was some action in this particular case.

The Court: Mr. Manning, you have expressed the Court's feelings with customary exactitude.

Mr. Manning, Sr.: Your pain caught me all the way out here, your honor. That is why I felt compelled to say that.

By Mr. Manning, Sr.:

Q. All right, sir?

A. We already had the 1974 initiatives in the [4995] field with the pending activity in this case. If we went to the field with the All Reasonable Effort provision and then the Court would decide something else, we could have had three different sets of initiatives in the field within a period of approximately five years.

And I felt that would be very confusing because, you know, we don't just go to the field and train our staff. If we start working in an area like this, we go to our Advisory Committees. We talk it through with them. We believe that the only way you get commitment is through involvement; and that the people would have to act and react to these things and help us accomplish them.

And to go out and do that three times within five years with something different would not be very helpful to our cause.

Q. What was your other reason?

A. Well, the second reason was it is just not good management to ask our agents to go knock on doors. If you are going to work through others, then you do it that way. And we had requested that our agents function more as managers and quit operating. And this would be a request to have them operate again.

Q. What would be the effect of taking an agent's time to have the agent knock on doors in the concept of your management of your program?

[4996] A. Well, you will have a net reduction in program. You have to have. If you divert management time to operating time, you are using your resources in a different way. And it would have to influence the kind of outreach that an agent could make.

Q. If you take the agent's time in this specific area to do this specific function, what would be its effect on his other duties that you have already enumerated?

A. Well, someplace—he would have to give up something from management to go operate. And we would have a reduction in program quality or in quantity. It would have to happen that way.

Q. Now, in connection with the actual efforts to mix two clubs in a community—either white or black—would you give the court your experience as to the basic formation of community clubs and what experience, if any, you had, say, in Texas in this area, which was operating under a court order?

A. Well, that strategy is basically a loser from my experience. People who have a club—

[5028] * * * * *

A. This is paragraph four of this memorandum. It says,

"The single most vulnerable area in assessing the progress of State 4-H affirmative action programs is the high number of 4-H clubs and 4-H special groups in mixed communities which have youth of only one racial-ethnic group. Approximately one-half of the states each have more than 500 such units."

Q. Now, utilizing that information, did you make a calculation to compare North Carolina with that information?

A. Yes, I did.

Q. Did you prepare an exhibit to that effect?

A. I did.

Q. Is that exhibit number 229?

A. Yes.

Mr. Manning, Sr.: At this time, in the interest of having him explain it with the Court having a copy, I would like to offer in evidence defendants' exhibit 229.

(Defendants' Exhibit 229 was marked for identification and received in evidence.)

[5029] By Mr. Manning, Sr.:

Q. Now, if you would, would you go through the processes that you used, using 229 as a basis, how you arrived at your comparison?

A. Using 500 as the median number of units—you will recall a median is a middle number different from a mean—I took an array of the states' enrollments for that year, 1978, and found the median figure in that array which was Minnesota with an enrollment of 67,518.

North Carolina's enrollment in 1978 was 97,045. With these data, you can proportion what you might expect in North Carolina using that kind of a computation. You simply set up a proportion that 67,518 is to 500 as 97,045 is to "x" and cross-multiply.

The expected number of such units in North Carolina, proportioned on the basis of enrollment, would be 719. The actual number in 1978—

Q. (interposing) Is that 718 or 719?

A. 718. The actual number was 920. Now, that computation does not account for race, only for total numbers of members.

Take another tack with it. North Carolina's 4-H program ranks seventh in the nation in terms of black youth participating. That is better than 42 other states. So we simply take the 25th, with 500, and 42 [5030] which is our position with respect to other states in terms of blacks, and we can proportion again. We would come up with an expectation of 840 such units, based on participation by race.

Q. Rather than the 920 just based on the number of units?

A. 920 was the actual number of such units that we had in 1978.

In the first case, we had 202 more units than would be expected on the basis of membership alone. On the basis of race, we had 80 more units than would be expected based on racial composition. Those differences can probably be attributed to affirmative action programs. My feeling is that that is rather a high cost in terms of achieving some—if you took an average of those two, it is something like 140 units.

This would support, I think, Dr. Blalock's testimony that this is not cost effective.

Q. Now, while we are talking about affirmative action recommendations, are you familiar with the first affirmative action recommendation that came out from the United States Department of Agriculture?

A. Yes.

Q. And what did that call for to be done?

A. The first statement in the guidelines, "All [5031] Reasonable Efforts," was nothing more than a phrase in the regulations. It was later defined by saying that in a targeted area of a 4-H Club, we had to get a signed affidavit from all of the minorities saying that they did not wish to participate in our program. That was the first definition of "all reasonable efforts."

Q. That was a definition and not a regulation, was it not?

A. Well, it was a regulation. That was what we had to do.

Mr. Craige: Point of Clarification. What point in time are we talking about, and is there any documentation of Mr. Stormer's statement?

The Witness: We are talking January 1973. I think I can get that close for the first one. I don't have a record of it at the moment.

By Mr. Manning, Sr.:

Q. Were you involved in it?

A. Yes, sir, deeply.

Q. That particular method of going out was a recommendation, was it not, not a regulation?

A. No, sir.

Q. It was a regulation?

A. Yes, sir.

Q. Was it retracted?

[5032] A. Yes.

Q. After that, the next recommendations came in the form of what?

A. A three-step process defining and regulating "all reasonable efforts."

Q. Is that the document, "Strengthening 4-H Programs"?

A. It came out earlier than this document, I believe, but this is a document explaining "all reasonable efforts." This one is dated 1979.

The redefinition came during the calendar year of 1973, I believe, after a protest from ECOP, the Extension Committee on Organization and Policy, in terms of the unreasonableness of "all reasonable effort."

Q. Now, it is your opinion based on the decision, of the action in North Carolina, that it was not economically feasible from a management point of view?

A. It is not cost effective.

Q. And you supported that decision then, and do you still now support it?

A. I do.

* * * * *

GOVERNMENT EXHIBIT 30

Number and percent of NCCES Homemaker Clubs by racial composition of the club and number of members by race

Clubs	All White Clubs	All Non-White Clubs	Integrated Clubs
1972	1,378 (73.8%)	466 (25%)	22 (1.2%)
1971	1,449 (73.7%)	491 (25%)	26 (1.3%)
1968	1,562 (73.0%)	569 (26.5%)	10 (.5%)
1966	1,022 (60.8%)	658 (39.2%)	None listed (0%)

Members	White	Non-White
1972	24,115 (77.8%)	6,869 (22.2%)
1971	25,313 (77.2%)	7,485 (22.8%)
1968	28,023 (75.6%)	9,063 (24.4%)
1966	20,641 (54.5%)	17,227 (45.5%)

Sources: 1) Exhibit 18 of Defendants' Answers to Plaintiffs' first interrogatories of February 4, 1972, interrogatory Number 30, and exhibit Number 1 to the Deposition of Eloise Cofer. A copy of the exhibit 18 is attached. 2) List of North Carolina Homemaker Clubs for 1972 by county showing name of club, total membership, white members and non-white members, produced pursuant to Plaintiff-Intervenor's Rule 34 Request for Production of Documents, of June 8, 1972, Number 2s, and pursuant to Plaintiff-Intervenor's December 21, 1972—Rule for Production of Documents No. 13.

N.C.C.E.S. HOMEMAKER CLUBS

Number and Percent of Members in One Race and Multi-race Clubs

	Members in All White Clubs	Members in All Non-White Clubs	Members in Multi-race Clubs
1972	23,925 (77.2%)	6,694 (21.6%)	365 (1.2%)
1971	24,980 (76.2%)	7,288 (22.2%)	530 (1.6%)
1968	27,913 (75.3%)	8,995 (24.2%)	178 (.5%)
1966	20,641 (54.5%)	17,227 (45.5%)	0 (0%)

Source: 1) Exhibit 18 of Defendants' answers to Plaintiffs' first interrogatories of February 4, 1972, interrogatory No. 30, and exhibit No. 1 to the Deposition of Eloise Cofer. 2) List of North Carolina Homemakers clubs for 1972 by county showing name of club, total membership, white membership and non-white members, produced pursuant to Plaintiff-Intervenor's Rule 34 request for production of documents of June 8, 1972, Number 2s, and pursuant to Plaintiff-Intervenor's Rule 34 request for production of documents of December 21, 1972, No. 13.

EXTENSION HOMEMAKER CLUBS

1971

County	Clubs All White	Clubs All Non-White	Clubs Integrated	Members All White	Members All Non-White	White	Members Integrated Non-White
Alamance	23	7		419	171		
Alexander	9			175			
Alleghany	9	1		150	24		
Anson	10	10		122	120		
Ashe	7			135			
Avery	10			250			
Beaufort	11	4		149	35		
Bertie	10	9		104	71		
Bladen	18	9		309	141		

County	Clubs All White	Clubs All Non-White	Clubs Integrated	Members All White	Members All Non-White	Members Integrated White	Members Integrated Non-White
Brunswick	4			80			
Buncombe	32		1	629		17	1
Burke	14			225			
Cabarrus	24			411			
Caldwell	15			216			
Camden	4	3		65	31		
Carteret	10	1		179	21		
Caswell	16	9		252	125		
Catawba	29			473			
Chatham	13	11		227	149		
Cherokee	7	1		96	10		
Chowan	13	4		200	50		
Clay	7			70			
Cleveland	18	14		282	237		
Columbus	17	5		271	54		
Craven	11	5		180	65		
Cumberland	14	9	1	263	112	5	1
Currituck	10	2		153	54		
Dare	8			150			
Davidson	20			380			
Davie	12	1		182	14		
Duplin	15	8		227	100		
Durham	20	5		337	61		
Edgecombe	13	7		287	200		
Forsyth	31	10		621	135		
Franklin	8	11		95	140		
Gaston	30	1	1	732	11	14	2
Gates	9	10		147	162		
Graham	5		1	80		1	19
Granville	6	11		81	113		
Greene	6	6		104	77		
Guilford	23	11		414	126		
Halifax	13	11		220	167		
Harnett	5		15	65		182	47
Haywood	24	1		513	17		
Henderson	23			460			
Hertford	12	15		158	179		
Hoke	9	4		172	46		

County	Clubs All White	Clubs All Non-White	Clubs Integrated	Members All White	Members All Non-White	Members Integrated White	Members Integrated Non-White
Hyde	8	1		100	16		
Iredell	22	7		552	102		
Jackson	7			132			
Johnston	17	6		300	100		
Jones	8	5		79	41		
Lee	15	1		331	15		
Lenoir	15	12		202	155		
Lincoln	18	2		241	20		
McDowell	16			284			
Macon	20			449			
Madison	9			150			
Martin	16	7		297	105		
Mecklenburg	25	14		649	271		
Mitchell	12			181	148		
Montgomery	10	1		135	15		
Moore	16	5		238	53		
Nash	13	12		166	164		
New Hanover	13	10		235	148		
Northampton	12	7		178	106		
Onslow	17			222			
Orange	14	15		210	224		
Pamlico	10			127			
Pasquotank	14	7		204	97		
Pender	13	3		198	37		
Perquimans	9	10		110	189		
Person	8	7		120	153		
Pitt	18	10		287	171		
Polk	7	1		105	10		
Randolph	14	6		223	94		
Richmond	12	4		176	49		
Robeson	15	26	1	289	487	1	35
Rockingham	25	11		340	118		
Rowan	30	11	1	761	227	90	33

County	Clubs All White	Clubs All Non-White	Clubs Integrated	Members All White	Members All Non-White	Members Integrated White	Members Integrated Non-White
Rutherford	20			300			
Sampson	19	9		301	91		
Sootland	14			220			
Stanly	19	3		325	33		
Stokes	17			347			
Surry	22			418			
Swain	11			190			
Transylvania	12			200			
Tyrrell	13			155			
Union	11	9		142	96		
Vance	10	12		123	160		
Wake	29	11		463	147		
Warren	12	13		138	193		
Washington	11	1		178	15		
Watauga	12			201			
Wayne	15	11		249	119		
Wilkes	21			420			
Wilson	25	5		503	101		
Yadkin	13			196			
Yancey	8			130			
Cherokee Reservation			5			23	59
	1,449	491	26	24,980	7,288	333	197
Grand Total	1,966			32,798			

EXTENSION HOMEMAKER CLUBS

December 18, 1968

	All White		Non-White		Integrated		
Western	Clubs	Members	Clubs	Members	Clubs	White	Non-White
Avery	11	265					
Buncombe	35	834			1	15	1
Burke	13	225					

	All White		Non-White		Integrated		
Western	Clubs	Members	Clubs	Members	Clubs	White	Non-White
Cherokee	10	103	1	12			
Clay	8	120					
Graham	5	85	1	25			
Haywood	25	518	1	23			
Henderson	22	450					
Jackson	14	240			1	16	3
Macon	18	430					
Madison	9	150					
Mitchell	9	150					
McDowell	16	272					
Polk	7	110	1	10			
Rutherford	20	300	1	15			
Swain	12	226			2	41	2
Transylvania	12	216					
Yancey	7	120					
Northwestern							
Alamance	27	433	9	164			
Alexander	11	225					
Alleghany	10	200					
Ashe	10	165					
Caldwell	15	240					
Caswell	15	226	11	150			
Chatham	16	214	13	226			
Davidson	23	380					
Davie	15	275	1	25			
Forsyth	32	760	11	160			
Guilford	24	449	12	153			
Randolph	17	300	9	150			
Rockingham	34	596	11	220			
Stokes	16	340					
Surry	26	475					
Watauga	12	185					
Wilkes	23	500					
Yadkin	14	300					
Southwestern							
Anson	13	170	13	145			
Cabarrus	23	405			1	19	1

	All White		Non-White		Integrated		
Western	Clubs	Members	Clubs	Members	Clubs	White	Non-White
Catawba	27	500					
Cleveland	16	324	14	279			
Gaston	25	510					
Hoke	11	190	2	21			
Iredell	22	532	9	118			
Lee	15	265	1	20			
Lincoln	21	275					
Mecklenburg	30	655	13	239			
Montgomery	11	210					
Moore	17	240	8	100			
Richmond	17	233	8	83			
Rowan	33	845	12	255			
Sootland	13	225					
Stanly	19	325	1	21			
Union	12	185	10	135			
Southeastern							
Bladen	19	328	7	115			
Brunswick	6	100					
Cartaret	9	176	2	34	1	12	3
Columbus	17	278	8	112			
Craven	11	136	9	57			
Cumberland	16	282	11	200			
Duplin	19	284	10	122			
Greene	11	213	6	100			
Jones	10	95	6	50			
Lenoir	13	170	12	132			
New Hanover	12	264	9	118			
Onslow	15	262			1	14	2
Pamlico	13	183					
Pender	11	153	8	260			
Robeson	17	210	33	540			
Sampson	22	375	11	152			
Wayne	19	323	14	169			
East Central							
Beaufort	13	175	6	100	1	13	6
Durham	20	386	5	191			

	All White		Non-White		Integrated		
Western	Clubs	Members	Clubs	Members	Clubs	White	Non-White
Edgecombe	15	355	8	285	1	1	19
Franklin	11	152	12	150			
Granville	9	114	10	100			
Harnett	19	300	7	88			
Johnston	19	355	7	130			
Martin	14	254	9	159			
Nash	13	221	11	192			
Orange	15	245	14	226			
Person	9	200	13	222			
Pitt	20	340	12	190			
Vance	11	166	11	162			
Wake	30	568	12	198	1	9	1
Warren	14	182	14	185			
Wilson	24	500	7	157			
Northeastern							
Bertie	13	225	18	303			
Camden	6	87	3	54			
Chowan	13	204	9	98			
Currituck	13	202	1	36			
Dare	1	115	1	10			
Gates	10	135	11	168			
Halifax	14	350	12	200			
Hertford	13	178	16	192			
Hyde	8	145	1	48			
Northampton	12	177	12	105			
Pasquotank	12	221	8	137			
Perquimans	9	106					
Tyrrell	13	80					
Washington	11	177					

1966

EAST CENTRAL DISTRICT

County	Negro		White	
	No. Clubs	Members	No. Clubs	Members
Beaufort	12	384	20	375
Durham	7	251	17	410
Edgecombe	13	365	17	400
Franklin	16	540	19	300
Granville	15	529	13	206
Harnett	10	150	20	365
Johnston	9	218	27	550
Martin	8	300	15	258
Nash	12	277	33	594
Orange	12	301	16	385
Person	13	405	10	275
Pitt	18	370	21	457
Vance	14	441	16	305
Wake	23	520	33	645
Warren	21	386	17	244
Wilson	12	255	24	500
	215	5,692	318	6,269

NORTHEASTERN DISTRICT

Bertie	15	249	15	238
Chowan	12	239	15	181
Gates	13	235	12	137
Halifax	15	665	17	325
Hertford	16	480	14	230
Northampton	12	325	14	207
Pasquotank	8	118	12	290
Perquimans	10	379	10	175
	101	2,690	109	1,783

NORTHWESTERN DISTRICT

County	Negro		White	
	No. Clubs	Members	No. Clubs	Members
Alamance	6	216	21	422
Caswell	14	385	18	310
Chatham	14	400	20	470
Forsyth	12	385	33	875
Guilford	15	496	35	798
Randolph	14	385	18	375
Rockingham	12	302	32	620
	87	2,569	177	3,870

SOUTHEASTERN DISTRICT

Bladen	16	550	21	425
Columbus	9	285	23	395
Craven	13	150	15	265
Cumberland	12	300	12	424
Duplin	10	200	29	450
Greene	9	200	14	318
Lenoir	12	176		
New Hanover	11	201	16	389
Pender	9	280	18	280
Robeson	19	667	37	725
Sampson	15	395	25	575
Wayne	14	328	23	471
	149	3,732	233	4,717

SOUTHWESTERN DISTRICT

County	Negro		White	
	No. Clubs	Members	No. Clubs	Members
Anson	15	369	14	210
Cleveland	13	397	18	417
Iredell	16	368	27	640
Mecklenburg	13	412	32	822
Moore	10	175	21	388
Richmond	13	300	22	325
Rowan	13	273	31	775
Union	13	250	20	425
	106	2,544	185	4,002

GOVERNMENT EXHIBIT 69

EXTENSION PERSONNEL THAT HAVE BEEN APPOINTED COUNTY EXTENSION CHAIRMAN SINCE 1968 NORTH CAROLINA AGRICULTURAL EXTENSION

MAY 1981

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
	Chowan			1981	Mike Williams Zackie Harrell, Henry Riddick
Eugenia Ware	Rutherford	Same	W	1981	Steven West Dewey Hennessee
Fred May	Pamlico	Robeson	W	1981	R. Ray Harris
Frank Green	Rockingham	Same	W	1981	No other applicants
J. M. Pittman	Avery	Wake	W	1980	Johnnie Hensley

[1] All were Extension agents before becoming chairman. Some transferred from one County to another after becoming chairman.

[Continued on following pages]

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
John Reeves	Clay	Cherokee	W	1980	No other applicants
Alvin M. Stanford	Cabarrus	Priv. Industry	W	1980	William Triplett
James R. Mabe	McDowell	Same	W	1980	No other applicants
Donald Cobb	Vance	Granville	W	1980	Phyllis Stainback Fred Belfield
James Carey	Ashe	Cumberland	W	1980	Robert F. Breland Dana Tugman
John W. Dunham	Hertford	Bladen	W	1980	James Daughtry James E. Wright
W.R. Jester	Perquimans	Tyrrell	W	1980	Henry C. Riddick
Hover Royals	Anson	Same	B	1980	No other applicants
James Stephenson	Nash	Vance	W	1980	Fred Belfield Bryan Page
George Biddix	Buncombe	Rutherford	W	1980	J.B. Reeves Reagon Ammons
B.F. Spencer	Cleveland	Same	W	1979	No other applicants

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
John Richardson	Robeson	Same	W	1979	M.K. Dennis
John Hall	Lee	Same	W	1979	Fay T. Donneli Clarence J. Cameron
M.C. Small	Jones	Caswell	W	1979	Charles Hammon Fletcher Barber
Bill Rogister	Northampton	Hertford	W	1979	No other applicants
James D. Stephenson	Vance	Nash	W	1979-80	Phyllis Stainback Marshall Bowden
C.E. Lewis	New Hanover	State Specialist	W	1979	Thomas Dail Harvey Morris James E. Warren
L.N. Whitt	Caswell	Same	W	1979	Donna Pointer
Reginald Piland	Pamlico	Same	W	1979-80	No other applicants
L.C. Cooper	Warren	Same	B	1979	George Koonce Emily Ballinger
Dan Baucom	Onslow	Same	W	1979	Charles E. Hammond Chase Padgett

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
M.K. Dennis	Bladen	Same	W	1979	Harvey Morris
C.E. Hammond	Moore	Area Agent	W	1979	Tom Colson Paul Seabolt Clarence Cameron
W.E. Mainous	Davie	Forsyth	W	1979	Judge A. Pierce Ronnie Thompson
James Ray	Yancey	Cherokee Reservation	W	1979	Carlos Bickford Johnny G. Hensley
J.D. Carroll	Forsyth	Guilford	W	1979	W.E. Mainous
Talmadge Baker	Randolph	Moore	W	1979	Dick Petersen Drue Finette Richard Freeman Doug Young Rodney Haines
Wesley Townsend	Wayne	Same	W	1978	John H. Wynne William Lamm

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
James H. Caudill	Rowan	Same	W	1978	Rodney Haines
Lois Britt	Duplin	Same	W	1978	Robert Swain S.B. Wilson
Leroy James	Pitt	Same	B	1978	No other applicants
O.R. Ammons	Polk	Burke	W	1977	Carlos P. Bickford Judy M. Groff
W.J. Griffin	Bertie	Perquimans	W	1977	No other applicants
David Terrell	Mitchell	Same	W	1977	No other applicants
Helen Dosier	Alleghany	Same	W	1977	William Fowler Walden M. Hearn
Frank Baker	Granville	Wayne	W	1977	I.W. Murfee Dorothy Wilkinson
Gene Brewer	Watauga	Same	W	1977	No other applicants
C.H. Jernigan	Wilson	Same	W	1977	Frank Baker
R.A. Hayes	Greene	Wilson	W	1977	No other applicants
B.T. McNeill	Cumberland	Same	B	1976	No other applicants

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
David Choate	Lincoln	Same	W	1976	A.L. Smith Howard Waynick
V.B. Lynn	Wake	Same	W	1976	No other applicants
M.C. Howell	Union	Same	W	1976	P.E. Bazemore
R.M. Coleman	Brunswick	Same	W	1976	Dan E. Baucom M.K. Dennis
C.D. Bunn	Swain	Same	W	1976	Roger Hyatt
Robert R. Hyatt	Transylvania	Buncombe	W	1976	Roger Hyatt James H. Ray Dennis Winters Linda Best
E.E. Bishop	Cabarrus	Same	W	1976-80	J.P. Bowles
Bruce Woodard	Johnston	Cumberland	W	1976	David Stanaland Frank Baker Harold Lloyd Peter Westerbeck H.F. Palmer James Stephenson Leroy James

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
Millis B. Wright	Alamance	Robeson	W	1975	Richard J. Freeman
D.R. Burnette	Buncombe	4-H Specialist	W	1975-80	C.P. Bickford J.D. Brooks Nancy Stancil Robert Hyatt
J.F. Simpson	Stanly	Same	W	1975	Carol Baker Ray Kiser Fredrick J. Rivers
W.F. Walker	Pender	Same	W	1975	Dan E. Baucom J.G. Richardson John Wynne
Keeneth Vaughn	Iredell	Chatham	W	1975	D.O. Ivey S.D. Little Jack Smith, Jr.
M.C. Griffin	Beaufort	Duplin	W	1975	H.C. Riddick Jack Cullipher

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
					R.M. Pilch W.M. Hearn Gordon Sawyer Steve Warrick Gaylon Ambrose Harvey Morris
F.J. Rivers	Person	Tyrrell	W	1975	M.B. Wright
F.S. Volvia	Tyrrell	Same	W	1975	No other applicants
T.S. Godwin	Wayne	Same	W	1975-78	Frank Baker William Lamm Wesley Towsend B.T. McNeill
L.L. Allen	Martin	Nash	W	1975	R.M.K. Edwards C.J. Cameron P.C. Bryant
G.D. McCullen	Columbus	Same	W	1975	M.K. Dennis Harold Lloyd

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
					Harvey Morris John Spaulding
Donald Baker	Pasquotank	Columbus	W	1974	W.M. Hearn, Sr. J.R. Vaughn Harvey Morris Victor Lynn
H.L. Miller	Burke	McDowell	W	1974	R.M. Bowden Roger Hyatt Robert Hyatt
B.G. Westbrook	Alexander	Same	W	1974	Roger Hyatt Kenneth Patterson
M.C. Small	Caswell	Currituck	W	1974-79	
E.J. Long	Northampton	Same	W	1974-75	Fred Belfield Doug Eason
H.M. Ramseur	Wilkes	Alexander	W	1974	M.B. Wright
W.C. Richardson	Watauga	Same	W	1974-77	Gene R. Brewer

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
					Rodney Haines
					Agnes A. Greene
					Henry B. Hagwood
					Harold Lloyd
					C.D. Bunn
					James W. Gentry
					Patrick Guyer
Alvin Stanford	Iredell	Priv. Industry	W	1973-75	D.O. Ivey
					H.M. Stoney
					H.W. Myers
Herman McCall	Haywood	Same	W	1973	H. Leslier Miller
W.S. Lamm	Lenoir	Wayne	W	1973	John H. Wynne
					W.N. Pagton
					G.E. McDaniel
					R.L. Strough
					Walter C. Johnson
					T.S. Godwin

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
					C.H. Jernigan F.H. Baker
Walter Bowers	Montgomery	Same	W	1973	No other applicants
Jack Barnes	Stokes	Same	W	1973	M.B. Wright C.J. Cameron
Edwin Nolley	Catawba	Same	W	1972	
W.C. Holtzman	Davidson	Forsyth	W	1972	Wade Johnson Lathan Smith
Fred Rivers	Tyrrell	Industry	W	1971-75	
William Shackelford	Nash	Same	W	1971-80	
Carl Hodges	Durham	Same	B	1971	
James Goff	Harnett	Same	W	1971	
Zackie Harrell	Gates	Same	W	1970	C.M. Grimes
Phil Haas	Mecklenburg	Same	W	1970	
Joe Perry	Edgecombe	Same	W	1970	

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
Earl Wise	Madison	Same	W	1970	No other applicants
Robert Rollins	Macon	Same	W	1970	George Conrad Earle Wise
Walter Johnson	Greene	Same	W	1970-77	
Talmadge Baker	Moore	Ashe	W	1970-79	
Aubrey Hardee	Granville	Same	W	1970-77	
Richard Bryant	Perquimans	Same	W	1970-79	
Jerry Purser	Transylvania	Durham	W	1970-76	
William Bledsoe	Yancey	Buncombe	W	1970-79	
Grover Westmoreland	Henderson	Dairy Specialist	W	1970	No other applicants
W.W. Avery	Avery	Same	W	1970-80	Leslie Miller Woodie Richardson
Robert Wesson	Montgomery	Same	W	1970-73	
Raymond Thompson	Chowan	Same	W	1970-81	
Ed Simpson	Craven	Same	W	1970	

Name[1]	County	Co. Before Becoming Chairman	Race	Year Appointed Chairman	Applicants
Samuel Young	Yadkin	Same	W	1969	No other applicants
Edwin Yancey	Pitt	Johnston	W	1969-78	
Gordon Sawyer	Camden	Halifax	W	1969	
Enos Rogister	Hertford	Camden	W	1969-79	
William Corbin	Alleghany	West Virginia	W	3/69-8/69	No other applicants
Roger Murdock	Alleghany	Virginia Ext.	W	8/69-76	No other applicants
Ebert Pierce	Orange	Yadkin	W	1969	
John Stacy	Union	Catawba	W	1969-76	
Bruce Woodard	Cumberland	Wake	W	1969-76	
Henry Ramseur	Alexander	Industry	W	1968-74	No other applicants
James Bunce	Carterett	Same	W	1968	
Laverne Hardage	Warren	Same	W	1968-79	
John Crawford	Guilford	Rutherford	W	1968	
Murray Goodwin	Tyrrell	Same	W	1968-71	

GOVERNMENT EXHIBIT 74

PROMOTIONS TO COUNTY CHAIRMAN
(1962-1981)

Year	White	Black	Indian	Total
1962-63	103	0	0	103
1964	1	0	0	1
1965	6	0	0	6
1966	5	0	0	5
1967	5	0	0	5
1968	6	0	0	6
1969	9	0	0	9
1970	16	0	0	16
1971	3	1	0	4
1972	2	0	0	2
1973	5	0	0	5
1974	7	0	0	7
1975	11	0	0	11
1976	8	1	0	9
1977	8	0	0	8
1978	3	1	0	4
1979	16	1	0	17
1980	10	1	0	11
May 1981	3	0	0	3
TOTAL	227	5	0	232

Source: NCAES Personnel Directories; Personal Data Cards; Defendants' Response to Plaintiff-Intervenor's Letter of April 9, 1981.

GOVERNMENT EXHIBIT 98

ANALYSIS OF 1971 EFFORT TO EQUALIZE SALARIES OF BLACKS AND WHITES

County Professional Positions	1970 Average Salary		1971 Average Salary		Percent Change in Avg. Salary (1970-71)		Average Salary Difference (W-B)	
	White	Black	White	Black	White	Black	1970	1971
County Chairman	12,986	*	13,637	13,375	5.0	*	*	262
Agricultural Extension Agent	10,871	10,439	11,494	11,147	5.7	6.8	432	347
Associate AEA	9,876	8,956	10,240	9,558	3.7	6.7	920	682
Assistant AEA	8,796	8,671	9,126	8,505	3.8	– 1.9	125	621
Home Economics Agent	9,893	9,802	10,599	10,492	7.1	7.0	96	107
Associate HEA	8,553	8,195	9,146	9,040	6.9	10.3	358	106
Assistant HEA	7,852	7,796	8,240	8,113	4.9	4.1	56	127
Total	11,005	9,517	11,639	10,120	5.8	6.3	1,488	1,519

GOVERNMENT EXHIBIT 157 (EXCERPT)
[HANDWRITTEN MEMORANDUM]

* * * * *

7. Obviously one of the areas where we'll be checked is on salary – Easy to measure & at least see if there appears to be any. Already had to supply salary figures on state staffs for all personnel – identifying race, sex, tenure, highest degree, etc.

8. Believe you'd agree our salaries for women & non-white men on average are lower – Our figures verify – Due to several factors.

– The competitive market – This is not acceptable as a reason though.
– Tradition – Not just in Ext.
– Less county support for non-white positions.

9. Don't believe there's any reason to spend lot of time rationalizing why it has or has not been & whether it's right or wrong. This is past & we can't do a whole lot about it – We can & must for the future.

10. For county personnel we – AES – are not totally at fault & AES can't correct the problem alone. Counties must share in this & where they have been low they must help correct their portion.

11. Review differences in salary between men & women by titles – *Don't use actual figures of salary averages.*

12. Review summary of county support by race & sex – Have supported non-white positions about 5-6% lower.

13. Was our feeling that would be to our advantage – plus simply the right thing to do – to move to make some salary adjustments as quickly as pos. & preferably before our plan went into Washington.

14. Review what's happened in Michigan & Illinois.

15. We have "squirrelled" a little money for past year and after *much* effort persuaded budget people downtown to let us use it—much of which would have been lost July 1—to make some salary adjustments. Reduced vacant positions used almost all our reserves & about every uncommitted dollar we [had?]. Originally proposed to give adjustment & anticipated July raise at same time. After PA-1's were typed they got cold feet & said we couldn't give July raises because weren't assurred [sic] there'd be any. Had to go back & adjust on more.

16. Asked Dist. Chs. to give us a figure of adjustment needed on women & non-white men positions in their District & the portion that State should assume. As best we could [,] we've followed these recommendations.

17. Majority are $500-$700 range—County should probably do $300-$400 also—for total of $800-$1100.

18. No one gets less than $500, I believe. No one will get less than $200 July—assuming 5% increase.

19. This will relieve pressure on our other salary increase money—Not that this will affect raise these people will get July 1 but will mean we will not have to take regular salary increase money & use to make these adjustments. Were never able to [*sic*] this on non-white positions & thru years we have used a heavier than average amount to try to correct some of these inequities. So this is really going to help every other member of the Ext. staff.

20. You should call this to attention of commissioners. If complaint is filed they will be included for their portion of the salary.

21. Have not corrected all our problems. Are going to try to do a few more July 1.

* * * * *

GOVERNMENT EXHIBIT 173

UNITED STATES DEPARTMENT OF
AGRICULTURE
SCIENCE AND EDUCATION ADMINISTRATION

Office of the Deputy Director for Extension
Washington, D.C. 20250

May 9, 1978

SUBJECT: Trends in State 4-H Affirmative Action Programs

TO: Assistant Directors and State Leaders, 4-H-Youth

Extension 4-H staff and volunteer leaders are to be commended for an impressive record in expanding 4-H program opportunities for minority youth. Ten years ago (1968) national 4-H enrollments totaled 2,297,760 of which *356,021* were minority youth. The 1977 enrollments of youth in 4-H clubs, 4-H special interest groups and 4-H EFNEP totaled 4,918,231 of which *1,218,011* were minority youth—well over three times as many as in 1968.

The percentage of youth participants from minority racial-ethnic groups attending Extension 4-H conducted camps increased from 19.5% in 1972 to 22.5% in 1977. Nationwide, more than 60% of the camp sessions involved youth of more than one racial-ethnic group. It is essential that continued efforts to made [sic] to conduct all 4-H camps in a non-discriminatory manner.

More than 10,000 additional 4-H volunteers from minority groups served in 1977 than served in 1972 with 4-H clubs and 4-H special interest groups. Additional minority volunteers assisted 4-H EFNEP.

The single most vulnerable area in assessing the progress of State 4-H affirmative action programs is the high number of 4-H clubs and 4-H special interest groups in

mixed communities which have youth of only one racial-ethnic group. Approximately one-half of the States each have more than 500 such units.

We suggest that you identify the counties in your State where there are such 4-H units and counsel with county staffs. Many counties having only a few minority families have identified 4-H program service areas or community boundaries of such size as to cover major portions of an entire county—sometimes the whole county. In such cases all of the 4-H clubs in such areas or county are considered to be in a mixed race area. It may be appropriate in such instances for staff working with the County 4-H Expansion and Review Committees to review, and if desirable, redraw the boundaries. When this is done, record of the changes and reasons for them should be on file in the county office.

We are enclosing a copy of the trend summary for your State from 1968 through 1978. You may find this helpful as you work with counties on 4-H affirmative action in the months ahead.

Once again, you and members of your staff are to be commended on the progress during the past 10 years.

Sincerely,

E. DEAN VAUGHAN
4-H—Youth
Enclosure
4-H-30 (5-78)

State NORTH CAROLINA

NUMBERS AND PERCENTAGES OF ENROLLMENTS IN 4-H OF YOUTH FROM MINORITY RACIAL-ETHNIC GROUPS

Enrollments in 4-H Clubs and 4-H Special Interest Groups

Year	Total	Youth From Minority Racial-Ethnic Groups	Percent of 4-H Enrollment From Minority Groups
1968	NO REPORT	NO REPORT	NO REPORT
1969	54,654	21,862	40.0
1970	56,926	19,725	34.7
1971	65,139	22,119	34.0
1972	69,307	22,964	33.1
1973	81,834	27,721	33.9
1974	95,589	36,522	38.2
1975	90,640	33,491	36.9
1976	93,408	33,262	35.6
1977	97,954	35,834	36.6

Enrollments of Youth in 4-H EFNEP (1973 First Year Racial-Ethnic Data Avail.)

1973	45,646	29,337	64.3
1974	41,259	26,893	65.2
1975	39,576	27,681	69.9
1976	28,893	20,111	69.6
1977	27,725	18,794	67.8

Total 4-H Enrollments in 4-H Clubs, 4-H Special Interest Groups, 4-H EFNEP

1973	127,490	57,058	44.8
1974	136,848	63,415	46.3
1975	130,216	61,172	47.0
1976	122,301	53,373	43.6
1977	125,679	54,628	43.5

State NORTH CAROLINA

NUMBERS OF 4-H UNITS—4-H CLUBS AND 4-H SPECIAL INTEREST GROUPS—BY TYPES OF COMMUNITY AND PERCENTS OF 4-H UNITS IN MIXED COMMUNITIES WHICH ARE INTEGRATED

Year	Total Number of 4-H Units	Number of 4-H Units Not In Mixed Communities	Number of Integrated 4-H Units—In Mixed Communities	Number of 4-H Units Not Integrated—In Mixed Communities	Percent of 4-H Units In Mixed Communities Which Are Integrated
1972	2,587	1,109	586	892	39.6
1973	2,857	1,122	771	964	44.4
1974	3,182	1,151	1,017	1,014	50.0
1975	3,255	1,241	1,108	906	55.0
1976	3,298	1,085	1,260	953	56.9
1977	3,068	1,028	1,142	898	56.0

YOUTH ATTENDING EXTENSION 4-H CONDUCTED CAMP SESSIONS

Year	Total Youth Attending	Minority Youth	Percent Minority of Total Attending
1972	13,171	5,598	42.5
1973	17,284	8,367	48.4
1974	22,511	11,719	52.1
1975	22,566	12,193	54.0
1976	19,514	8,487	43.5
1977	18,427	7,694	41.8

GOVERNMENT EXHIBIT 182 (EXCERPTS)

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1974 CIVIL RIGHTS INITIATIVES FOR DISCUSSION AT MEETING ON APRIL 5, 1974

* * * * *

3. New Homemaker and 4-H Clubs—

The policy is that no new uniracial clubs are permitted in biracial communities unless it can be shown that all reasonable efforts have been made to organize the club on an integrated basis. The agent working to organize the club will identify the geographic area from which the membership is expected to be drawn. Next, the racial make-up of the population in that area will be estimated. If there is a biracial composition to this population (one race less than 90 percent of the total) the club membership must be integrated or documented evidence shown that sincere but unsuccessful efforts were made to have an integrated membership. The documented evidence will be a statement by the agent showing: (a) that ten (10) individuals of the "other" race were given personal invitations to participate (including descriptions of the activities of the proposed club), (b) the names and addresses of these individuals, (c) the name of the person issuing the invitation to each person and (d) the date issued. The spirit of the policy on "invitations to join" is that it be personal (one-to-one) and not an announcement in the press or at a meeting, although this method may be used to supplement the personal invitation. In addition, the new club officers will certify the openness of the club to all races.

* * * * *

7. Altering the Nature of Segregated Clubs—

A program will be undertaken immediately to achieve a voluntary desegregation of all uniracial clubs in biracial communities. The program will involve members of the

administration and supervisory staff working with county staffs and the lay leadership in each county. The impact of the USDA Affirmative Action Program and the Alabama and Mississippi decisions will be explained. Voluntary desegregation will be requested. Multiple approaches will be suggested, such as: (a) combining clubs, (b) recruiting from the "other" race in the community, (c) joint meetings of clubs for educational programs, (d) restructuring two or more clubs in a given community, (e) finding "neutral" meeting places, (f) obtaining biracial teams of lay leaders to reinforce the efforts of the professional staffs to interpret the need for change and others.

Note: This is deleted from the 1974 Civil Rights Initiatives

GOVERNMENT EXHIBIT 184

AGRICULTURAL EXTENSION SERVICE

NORTH CAROLINA STATE UNIVERSITY
AT RALEIGH

SCHOOL OF AGRICULTURE AND LIFE SCIENCES

Agriculture Extension Service
Office of the Director
Box 5157, Zip 27607

May 3, 1974

TO: District Supervisors

Attached is a statement of civil rights initiatives which should be undertaken according to schedules included. These steps are those which have been decided upon following thorough discussions of our present status and needs. I appreciate the careful attention you have given to the development of this program and I am sure that you will carry forward in the same spirit with the responsibilities assigned to you in this statement. In doing so, I hope that you will make use of the services of those of us in the administration as appropriate.

Very truly yours,

George Hyatt, Jr.
Associate Dean and Director

GH:ms
Attachment
cc: Administration
Specialists in Charge

1974 CIVIL RIGHTS INITIATIVES

1. County 4-H Councils—

The status of the county councils should be reexamined. The 4-H staff will specify what is the appropriate representation on the Council. In those counties where the councils are inactive, they should be reactivated immediately. This should be accomplished by July 1, 1974, by the district teams. These counties will need assistance in making the council a meaningful entity. This will require more time but should be accomplished by June 30, 1975, by the combined effort of the district teams and the 4-H staff.

2. Functional Arrangement of Office Space, Telephone Numbers, Post Office Boxes, Mailing Lists and Assignment of Secretarial Work without Regard to Race—

Instances of the existence of non-functional arrangements should be eliminated by the district teams by July 1, 1974.

3. New Homemaker and 4-H Clubs—

The leaders and/or officers of all new Homemaker and 4-H Clubs will certify in writing that the club is open to all people without regard to race, color or national origin. In addition, the organization of the club will be announced to the public by radio and newspapers, including the approximate location or area served by the club, its purposes and the fact that it is open to all people without regard to race, color or national origin.

4. Work across Racial Lines—

It continues to be the policy of the North Carolina Agricultural Extension Service that our staff provides services to people without regard to race, color or national origin. Practices which impede the full implementation of this policy should be eliminated.

a. *Agents meeting with 4-H and Homemaker Clubs*—

District teams will ascertain by July 1, 1974, that agents are meeting with clubs without regard to race. Two agents (one White, one Black) meeting with a given club might be

a way to achieve this goal but will be viewed only as a means to the end of agents meeting with clubs in subject or program areas without regard to race.

b. *Leader recruitment and training*—

Leader recruitment and training will be done without regard to race by July 1, 1974. The affirmative requirements for dealing with the races should be a part of the initial training of leaders. This should be implemented during 1974 by the district teams.

c. *Referral of contacts*—

County chairmen will take steps to be sure that people who call at the county office by telephone or in person are referred to the agent whose areas of assignment are appropriate to the questions the caller has. This will require extensive discussion in staff meetings and special training for the secretarial staff. The district teams will see that this is accomplished in 1974.

d. *Specialists' contacts with county staffs*—

The administration will continue efforts to eliminate instances of specialists violating the spirit of assigned areas of responsibility. This was discussed at the Specialist-in-Charge meeting on April 26, 1974, and will be discussed again with all specialists at the meeting of state level people on May 24, 1974. Follow-up by the administration will continue with specialists who commit acts, intentional or otherwise, which violate the spirit of the assigned areas of county staff members.

e. *Pattern of contacts by staff*—

Each county staff member will analyze his or her pattern of contacts by race based on SEMIS. This will be compared with the potential clientele for the relevant program areas. The county and district chairmen will make a review of contacts by race a part of the annual performance review process beginning in 1974-75.

5. Reaching Minority Race People—

Each county shall analyze the extent to which they as a total staff are reaching Blacks and Indians in the latest

period for which SEMIS data is available (July-December 1973 or July 1973-June 1974) as compared with the total potential clientele for each program area (Agriculture, Home Economics, 4-H, Community Resource Development and Environmental Quality). The county staff will estimate the racial mix for each program area based on county population data, numbers of farmers, etc. In counties with large urban areas, different weights might be put on the urban population, depending on the extent of urban programming. Estimates will be added for program aides who do not report on SEMIS. For those program areas in which contacts by race are less than 80 percent of the potential clientele percentage (for example, less than 8 percent if the minority race potential is 10 percent or less than 32 percent if the minority race potential is 40 percent), a plan will be developed to increase the percentage of Blacks or Indians contacted. This plan will state (a) what will be done, (b) who will do it, (c) when it will be done, and (d) the specific result expected to be achieved. The 80 percent variance should not be considered a goal. The goal shall be to serve minority race people at least in relation to their percentage of the potiential clientele. This principle should be considered in setting the goal expected in (d) above. District teams will review the county analyses before December 31, 1974, and anually thereafter.

6. Judging State and District Demonstrations—

Beginning in 1974 and continuing thereafter 25 percent of the judges for district and state demonstrations will be from minority races. The responsibility for this rests primarily with the specialist responsible for administering the demonstration. Each such specialist shall comply with the 25 percent requirement by combining the judging teams for the districts with that for the state and computing the percentage by race. However, the state judging team should include one or more persons from minority races. The 4-H office will assist specialists in meeting this requirement.

GOVERNMENT EXHIBIT 191

NORTH CAROLINA STATE UNIVERSITY
SCHOOL OF AGRICULTURE AND LIFE SCIENCES

Agricultural Extension Service
Office of the Director
Box 5157 Zip 27607

March 31, 1977

TO: D. G. Harwood, Jr.
Donald L. Stormer

FROM: Chester D. Black

At the last District Chairmen's conference we discussed briefly the Affirmative Action requirements for organization of new 4-H and Extension Homemakers clubs. Following this conference Dr. Stormer shared his desired documentation to be followed in the formation of new 4-H clubs. Almost simultaneously Mrs. Meldau brought to our attention the Civil Rights Initiatives shared with our staff in 1974. Under the heading of New Homemaker and 4-H Clubs there are listed the requirements which were given to the agents at that time.

Since we have a discrepancy between the two documentations currently requested, I would appreciate you gentlemen assisting our staff in an interpretation of what should be the current status regarding Affirmative Action initiatives being taken by our field staff in the formation of 4-H and Homemaker clubs.

CDB:ms

GOVERNMENT EXHIBIT 192

April 4, 1977

Dr. Chester D. Black
110 Ricks Hall
NCSU Campus

Dear Dr. Black:

In your memorandum of March 31 you asked the two of us to interpret the current status of affirmative action initiatives to be followed by field staff in the formation of 4-H and Homemaker clubs.

At a meeting on January 6 of Mr. Howard Manning, Dr. Hyatt, Dr. Blalock, Mr. Dodson and Mr. Harwood, acting on the advice of counsel, Dr. Hyatt stated that it shall be the policy of the N.C. Agricultural Extension Service to take necessary steps to avoid all discrimination in delivery of services, but that unnecessary record-keeping, delineation of geographical boundaries, physical counting of population in a community and other affirmative action chores which require tremendous amounts of staff time should be avoided. At that time it was noted that a formal, complete affirmative action plan would require an estimated $6-$8 million in staff time. Also, counsel advised that a court order resulting from the civil rights suit would likely require steps in addition to any affirmative action measures then being implemented anyway.

In view of this decision, knowing that the N.C. Agricultural Extension Service is essentially "sheltered" from discrimination issues until the pending litigation is settled, and yet because our understanding is that violation of the various civil rights laws can be charged eventually against any employee who cannot document compliance, we offer the following suggestions:

1. *If we are asked what affirmative action requires*[1] in formation of new 4-H and Homemaker clubs, then the correct response is to "make reasonable efforts" to integrate these units, basically as defined in Dr. Stormer's memo of March 25, 1977.

2. *If we are asked what the policy of the North Carolina Agricultural Extension Service is with respect to affirmative action,* then reference must be made to the "1974 Civil Rights Initiatives" which were agreed upon by Administration and which were attached to Mrs. Meldau's memo of March 29, 1977.

Sincerely,

Donald L. Stormer
Assistant Director, 4-H

D. G. Harwood, Jr.
Assistant Director,
Administration and Special
Programs

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[1] See "Title 9, Equal Opportunity Administrative Regulations," USDA, November 18, 1976.

GOVERNMENT EXHIBIT 193

AGRICULTURAL EXTENSION SERVICE

NORTH CAROLINA STATE UNIVERSITY
AT RALEIGH

SCHOOL OF AGRICULTURE AND LIFE SCIENCES

Office of the Director
Box 5157, Zip 27607

April 18, 1978

TO: All County Extension Chairmen

SUBJECT: Meeting Structure for Extension Homemakers

The new Extension Homemaker meeting structure, approved by the Extension Homemakers State Organization, is now policy for the N. C. Agricultural Extension Service and the new meeting structure will begin on October 1, 1978. Details of this new meeting arrangement were discussed during March at district level meetings of County Chairmen, Home Economics Agents with Extension Homemaker liaison responsibilities, and presidents of Extension Homemaker County Councils.

Basically, the restructuring will result in the following Extension Homemaker meeting schedule:

1. Three area meetings with lessons conducted by Extension Home Economists during three quarters of the year.
2. One meeting during a quarter of the year when the Extension Home Economist will meet with each club.
3. Eight local Extension Homemaker Club meetings with lessons presented by volunteer leaders, with prior training by appropriate Home Economics Agent.

In order to document the procedures for implementing this policy, please ask the Extension Home Economist with liaison for Extension Homemakers, working with the

District Program Leader, Home Economics, to submit to Dr. Eloise Cofer by September 1, 1978, the following documents:

1. County map, identifying location of clubs, location of area meeting boundaries.

2. Listing of club membership by area, indicating race of members and race of potiential clientele.

3. Meeting schedule planned, listing program features, dates, locations.

4. Copies of any public notices of new meeting schedule (newsletters, news articles, radio scripts).

5. Narrative statement of procedures followed in restructuring Extension Homemakers meetings, identifying any planning committees with respect to race of members.

I am confident that this new policy will result in increased Extension Homemakers membership, better meetings, more efficient use of agents' time and closer compliance with affirmative action regulations.

Thank you.

Very truly yours,

George Hyatt, Jr.
Associate Dean and Director

cc: Extension Administration
District Chairmen
District Program Leaders
Home Economics Specialists-in-Charge

GOVERNMENT EXHIBIT 194

April 25, 1978

Mr. Howard Manning, Sr.
Manning, Fulton & Skinner
P.O. Box 1150
Raleigh, N.C. 27602

Dear Mr. Manning:

The attached copy of a letter from Dr. George Hyatt outlines a new policy for the Extension Homemakers meeting structure as conducted by the Extension Home Economists of the N.C. Agricultural Extension Service. This arrangement has implications for civil rights, and we have tried to inform County Extension Chairmen, Extension Home Economists and Extension Homemaker officers of the need for grouping Homemaker clubs according to township boundaries so that race of members and race of potential clientele can be documented. There are some other very good reasons why the Extension Homemaker meeting structure is being changed, but I did want you to know what we are doing because of the implications for civil rights.

Sincerely yours,

D. G. Harwood, Jr.
Assistant Director

Enclosures

GOVERNMENT EXHIBIT 195

September 4, 1979

TO: Dr. T. C. Blalock

FROM: D. G. Harwood, Jr.

You will recall that as long as Dr. Hyatt was Director of the N.C. Agricultural Extension Service, he refused to allow implementation of one of the "all reasonable effort" guidelines suggested in "Guidelines for Identification of Potential Recipients in State Cooperative Extension Service Programs." That provision was to "Make personal contact annually with minority group members to inform them of programs and to encourage their active participation." Dr. Hyatt agreed to allow implementation of "use of mailing lists for minority group members to receive information on a continuing basis, extend invitations through letters, newspapers and so forth to minority group members to attend and participate, direct information on programs and activities to sources of business and social contacts of minority group members, identify and utilize various mass media outlets which serve to disseminate information to minority group members, and maintain documentation of these efforts to involve minority group members."

I understand that Extension Homemakers, with assistance from Extension Home Economics Agents, will shortly be launching a membership drive throughout the state to increase greatly the numbers of Extension Homemakers. I am wondering how you feel about now implementing the provision regarding personal contact with minority group members to inform them of programs and to encourage their active participation in Extension Homemaker and 4-H activities. I personally feel that this next step will be required to satisfactorily comply with

affirmative action mandates. It may be that the personal contacts could be made by Extension Homemakers rather than by Home Economists. However, you yourself realize that often participation is not encouraged through simply notifying minorities through mass media outlets. I recognize that this implementation would require some additional time and travel. However, since this contact could be made over a period of a year, it seems to me that the contacts could be made in connection with other trips out in the county and would not require an undue amount of time and travel. Also, it could only be implemented in areas where new clubs were being formed, so this restriction alone could keep the time and travel within manageable levels.

I will await your instructions in this regard.

GOVERNMENT EXHIBIT 198

NORTH CAROLINA STATE UNIVERSITY SCHOOL OF AGRICULTURE AND LIFE SERVICES

Agricultural Extension Service
Office of the Director
Box 5157 Zip 27650

November 14, 1979

Mr. Howard E. Manning, Sr.
Manning, Fulton & Skinner
P. O. Box 1150
Raleigh, NC 27602

Dear Mr. Manning:

Thank you for your letter of November 7, 1979, enclosing documents which you recently filed in reference to Bazemore vs. N. C. Agricultural Extension Service (your file G-6778). On page 4 of the Defendant's Answer to Amended Complaint in Intervention and in paragraph 14 it is stated that the defendant Dr. George Hyatt, Jr., is the Director of the N. C. Agricultural Extension Service. You will recall that Dr. T. C. Blalock was named Director of the N. C. Agricultural Extension Service on July 1, 1978. I don't know whether this makes any difference or not and whether or not this should be corrected, but since you mention in paragraph 13 on page 3 that John T. Caldwell has not been Chancellor of N.C. State University for several years, I thought I should bring this oversight to your attention.

I will be contacting you again in a few days in order to ascertain whether or not you feel certain publication distribution and implementation of all reasonable efforts is in the best interest of the N.C. Agricultural Extension Service, given the current state of the Civil Action No. 2879.

Sincerely,

D.G. Harwood, Jr.
Assistant Director,
Agriculture and
Special Programs

cc: Dr. Clauston Jenkins
Dr. T. C. Blalock

GOVERNMENT EXHIBIT 199

November 15, 1979

Mr. Howard Manning, Sr.
Manning, Fulton & Skinner
P. O. Box 1150
Raleigh, NC 27602

Dear Mr. Manning:

At a recent meeting of our Administrative Council, the Administration of the North Carolina Agricultural Extension Service voted to begin implementation of "all reasonable efforts" in delivery of Extension programs of this state, with particular emphasis on "personal visits by the county Extension staff member(s) to a representative number of defined potential recipients in the geographically defined area to encourage participation."

We do not want to take this step if it will in any way compromise our position in the pending civil action against our organization. Do you feel that our actions on "all reasonable efforts" would be detrimental to our case at this time?

Also, enclosed is a copy of *Strengthening 4-H Programs Through Affirmative Action* (Discussion of "All Reasonable Efforts" on pages 20-23). Would you advise against our distributing this publication to each county office?

Thanks for your help.

Sincerely,

D. G. Harwood, Jr.
Assistant Director, Agriculture
and Special Programs

cc: Dr. T. C. Blalock
Dr. Clauston Jenkins
Mr. Millard Rich

GOVERNMENT EXHIBIT 200 (EXCERPTS)

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STRENGTHENING 4-H PROGRAMS THROUGH AFFIRMATIVE ACTION

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SECTION V/ "All Reasonable Efforts"

The philosophy of taking educational program services to the unserved by seeking them out and providing them with program information, assistance and benefits is germane to the issues presented in this section. In spite of the fact that the Cooperative Extension Service has successfully served its clientele through various educational programs for over 60 years, the question of reaching the unreached is particularly significant to the nonparticipation problem of minority group members.

The question of involvement and increased participation of minorities in Extension educational programs has led to suggested practical steps which can be taken to meet both the 4-H program and affirmative action program requirements. The intent in the application of "all reasonable efforts" is a program management tool. Efforts outlined here will result in an informed public and encourage them to participate.

Question 40: What is meant by "all reasonable efforts" with respect to the 4-H program?

Answer: The term "all reasonable efforts," as used in the Affirmative Action Plan, applies to organized Extension Homemaker Groups and 4-H Clubs. The *minimum reasonable* effort required by *county Extension staff members* includes all items listed as follows:

• Use of all available mass media, including radio, newspaper, and television, to inform potential recipients of the program and of opportunity to participate.

- Personal letters and circulars addressed to defined potential recipients inviting them to participate, including dates and places of meetings or other planned activity.
- Personal visits by the county Extension staff member(s) to a representative number of defined potential recipients in the geographically defined area to encourage participation.

State Extension Services may require additional steps to be taken such as encouraging volunteers to assist by involving potential recipients in opportunities to participate, but such additional steps *are not required* by USDA in meeting these requirements. If a State requires additional steps to be taken, then the State should be explicit and point out that such is a State requirement. (The greatest results will be obtained when these reasonable efforts are carried out in conjunction with upcoming or planned activities. An invitation extended in a vacuum, without some activity scheduled, will yield little motivation.

Question 41: Who is responsible for "all reasonable efforts" and what documentation is expected to show that these have been carried out?

Answer: The State Cooperative Extension Service, as the recipient agency to whom federal financial assistance is extended, is responsible and accountable for all civil rights matters in 4-H Clubs and the 4-H youth development program. Therefore, the Affirmative Action Plan specifically identifies the *county Extension staff* member(s) as those responsible for carrying out "all reasonable efforts." However, county Extension staff members may solicit the *voluntary assistance* of lay leaders, officers of clubs, etc., to carry out these efforts. In this latter case, the county Extension staff should provide procedures, materials and forms to lay leaders and others for recording and reporting to the county Extension office the "all reasonable efforts" which were carried out.

All activities conducted as a part of the 4-H youth development program which involve participation should be documented and available in the county files for review purposes. Insofar as "all reasonable efforts" are concerned, "if it isn't documented, it wasn't done."

Using "all reasonable efforts" for documentation purposes, the following records appear obvious:

Use of Available Mass Media

- Name of radio station(s) used; dates on which programs were personally presented; dates on which radio scripts were provided to the station for airing; copies of any radio scripts which were used with personal presentation.
- Name of TV station(s) used; dates on which programs were presented and dates aired, if different; copies of scripts, when used; copies of any scripts which were provided to the station(s).
- Name of newspapers; dates on which news articles were presented to papers and copies of articles presented for publishing; dates on which articles appeared in newspaper; clippings of such articles; date and identity of newspaper(s) which released article.

Personal Letters and Circulars

- Copies of such letters and circulars in the file.

Names of persons to whom such letters and circulars were sent.

Personal Visits

- Names and addresses of persons visited; dates of such visits; names of persons present during the visits.
- Resume of significant contents of visit and followup needed; and outcome of visit in terms of desire to participate or lack of interest; other important information thought desirable.

Question 42: What are the bases for determining if "all reasonable efforts" have been carried out?

Answer: Verify, through review of county office records, the documentation to ascertain the adequacy of the actions which were recorded, and evaluate the extent to which the "all reasonable efforts" were completed. County Extension staff should verify by occasional contact with those purported to have been communicated with. Monitoring of radio and TV airings as well as news releases serves as a useful criterion in evaluation.

Question 43: How do "all reasonable efforts" apply to established 4-H Clubs? To new 4-H Clubs?

Answer: The concept of "all reasonable efforts" and its criteria apply to all 4-H Clubs established presently in an ongoing county 4-H program. In organizing new 4-H Clubs in interracial communities, the "all reasonable efforts" must be carried out during the process of organizing. This process provides opportunity for youth of all races to become members. Only after the criteria of "all reasonable efforts" have been met may a new club be organized in interracial locales.

Such steps are simply good program development procedure.

Question 44: How often must "all reasonable efforts" be carried out?

Answer: After the "initial" efforts are completed (six months following acceptance of plan), a continuing plan of action based upon effective program planning procedures and an effective public information and communications program should be developed and implemented. A continuing plan should focus upon these 4-H situations where the initial efforts were unproductive. It should correlate the "all reasonable effort" requirements with the various program plans and strategies, including annual plans for Targeting of Minority Benefits.

Involve all public pronouncements of program participation opportunities through various mass media sources and outlets in keeping with the provisions of the public notification plan. Personal visits (by agent, leader, officers or others) to prospective minority members should be tied very closely to some planned program activity, perhaps unique to a club or several clubs where participation can occur almost immediately with appropriate followup plans by agents or leaders. A membership promotional program such as National 4-H Week or other appropriate observance which includes these and other efforts to attract membership can be effective instruments in meeting these requirements on a continuing basis.

Question 45: If there are ten (10) 4-H clubs in a delineated geographic area and very few of these clubs have interracial membership, but overall the clubs' membership represents the general makeup of the community, do these clubs meet affirmative action requirements?

Answer: There may be situations in high density urban areas when this question could be answered affirmatively. Generally, the above situation as described does not meet the interracial membership requirements of each club in a geographic area, particularly where minority youth are scattered throughout the community. (See Standard 1, Action Required, 1, b and c, pp. 34 and 35 of the Affirmative Action Plan.)

Each of those clubs whose membership is of one race and serving an interracial community must comply with the "all reasonable efforts" to integrate its membership before it can meet the affirmative action requirements.

* * * * *

Question 59: In what types of circumstances must Extension withdraw its services from a 4-H Club; the 4-H program; or a total county 4-H program?

Answer: Legally speaking, any circumstance which violates regulations for the administration of Title VI of the Civil Rights Act of 1964 can be grounds for the termination of services by the Cooperative Extension Service. The following situations are examples only of the range of possibilities. Any organization with whom Extension works, including a 4-H Club, which discriminates and/or restricts membership and participation or provides services differently or in a different manner, or segregates, based on race, color or national origin, are grounds for removal of services by Extension.

Any 4-H Club whose membership is of one race and serving an interracial community or area must make "all reasonable efforts" to integrate the membership. Service to such clubs must be terminated if the membership remains of one race and "all reasonable efforts" are not carried out. Similar circumstances would precipitate this same action for new clubs being organized.

Termination of services may occur on a county basis if the 4-H program in that county is conducted in a discriminatory manner. The conduct of educational activities and events which are, or have the effect of being, segregated, restricted, provided differently or in a different manner, or which deny participation based upon race, color or national origin, may cause the termination of services.

In a county where the practice of discrimination is severe and voluntary compliance with Title VI of the Civil Rights Act of 1964 is not possible, may be sufficient grounds for removal of the total Extension program from that county.

Non-compliance with the provisions of the affirmative action plan, or any one of its provisions, may serve as the basis for the termination of services.

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GOVERNMENT EXHIBIT 201

NORTH CAROLINA STATE UNIVERSITY
SCHOOL OF AGRICULTURE AND LIFE SCIENCES

Agricultural Extension Service
Office of the Director
Box 5157 Zip 27650

February 29, 1980

TO: Dr. T. C. Blalock

FROM: D. G. Harwood, Jr.

Yesterday I was finally able to talk at length by telephone with Mr. Howard Manning, Sr., regarding our proposal to implement "all reasonable efforts" in our Extension program. Mr. Manning says he is not unalterably opposed to our implementing "all reasonable efforts," but he feels that it would not be in our best interest. He pointed out that we have implemented an affirmative action program informally except for the "all reasonable efforts" provision. He says that by stratifying communities geographically, we will first of all lower the standards for our program inasmuch as we will be forced to accept 4-H Club members, for example, who may not have the interest or talent to participate in club activities. He says we will have to adapt our program more toward federal guidelines; but, more importantly, he says that this really provides the foundation for a civil action suit by the Justice Department who may point out that, "Okay, you structured communities for integrated clubs and you are not achieving the level of integration projected; therefore, you are not in compliance."

Mr. Manning says that he has based our entire defense on the fact that the N. C. Agricultural Extension Service has been trying—within its own system—to voluntarily achieve integration throughout its programs. He says we can substantiate that this change has occurred over time and that, whereas if we had tried to force the change through a rigid affirmative action program, that we would have simply lost the 4-H and home economics programs, as some other states have. He says we have tried to use judgment in determing how fast we could move and where we had to yield in order to maintain ongoing programs. He says the judge understands this and that now if we try to implement an "all reasonable efforts" program, then what we will be in effect doing is saying to the judge that we were not successful in this and now we are trying to set up a program to bring about forced change in our programs. He says this would defeat the foundation that he has been using for our defense.

You will need to weigh this feeling and decide, but I am inclined to agree with Mr. Manning that perhaps we should not implement the "all reasonable efforts" provision right now. Not only would there be a lot of resistance in our communities among clientele for this type of approach, but even within our own organization there is going to be a lot of dissension. Both Mr. Manning and I feel that ultimately we will be forced to get into the "all reasonable efforts" program, but perhaps it might be best to wait until our civil action is resolved. I will abide by your decision in the matter.

cc: Dr. Black

GOVERNMENT EXHIBIT 214

July 6, 1973

Dr. J. T. McCown
Associate Dean for Extension
University of Florida
Gainesville, Florida 32601

Dear Dr. McCown:

Dr. Blalock asked me to write you and send some information which we have on professional salaries in our organization. I have two pieces of information, both of which are based on the salaries that existed in the 1971-72 fiscal year.

The first is a multiple regression of the salaries of our full agents (not including chairmen) which assessed the effect on salaries of (a) a master's degree, (b) race, (c) sex and (d) experience. The results were as follows:

Value of a master's degree	$605
Amount of salary of blacks under salary of whites	$455
Amount of salary of women under salary of men	$663
Value of 10 years' experience	$653

The other piece of information shows average salaries for categories of agents identified by race, sex and rank. I believe that this table and this supplementary information

are self explanatory. The second page gives a good bit of detailed information about the groups—tenure, education, etc.

Please let me know if you have any questions about this information.

Sincerely yours,

George L. Capel
Assistant Director, Marketing
and Special Programs

GLC:ms
cc: Dr. T. C. Blalock
Enclosure

DEFENDANTS' EXHIBIT 78 (EXCERPT)

MEMORANDUM OF UNDERSTANDING BETWEEN THE N. C. AGRICULTURAL EXTENSION SERVICE-NORTH CAROLINA STATE UNIVERSITY AND THE BOARD OF COUNTY COMMISSIONERS

* * * * *

The North Carolina Agricultural Extension Service was established as a part of the School of Agriculture and Life Sciences of North Carolina State University by Federal and State legislation for the specific purpose of "extending" the educational service of the University to the people of the State on subjects relating to agriculture, home economics, 4-H and youth, community and natural resource development. It is the principal means by which the findings of research in these subjects are communicated to the people.

This legislation provided that Cooperative Extension work be a partnership between three levels of government—Federal, State, and County—with these levels being officially represented by the U.S. Department of Agriculture, North Carolina State University and the County Boards of Commissioners. By this arrangement County Extension Agents are joint employees of North Carolina State University and the Board of County Commissioners. They are also official representatives of the United States Department of Agriculture.

To assure maximum benefits of this educational service to the people it is important that the elected and appointed officials of each level of government understand their respective responsibilities and the relationships in the conduct of this work. It is to this end that the following description of responsibilities and relationships was developed.

RESPONSIBILITIES AND RELATIONSHIPS

The North Carolina Agricultural Extension Service will:

1. Provide the State proportionate share of salaries for County Extension personnel. The salaries of all workers will be determined jointly by the Agricultural Extension Service and County Boards of Commissioners, and the proportionate share paid by the State and by the County will be determined by the above two parties.

2. Provide funds for official travel necessary in the conduct of Extension work to the extent that funds are available and for purposes authorized by State and Federal policies.

3. Accept responsibility for:

a. Establishing minimum requirements and qualifications for employment in Extension work.

b. Receiving and examining applications for employment.

c. Interviewing and otherwise investigating applicants to determine their qualifications and availability.

d. Recommending to the County Commissioners, for their consideration, qualified applicants for appointment to vacant or new Extension positions.

4. Prepare and submit an annual budget request to the Board of County Commissioners for the County's proportionate share of funds for the total operating budget.

5. Provide County Extension agents with official envelopes, bulletins, leaflets, and other publications.

6. Accept responsibility and provide the leadership for administration and supervision of Extension programs and personnel, including compliance with the requirements of the Civil Rights Act of 1964 applicable to the Cooperative Extension Service.

7. Provide a staff of specialists to continuously train agents in current technology and other changes affecting

agriculture, home economics, 4-H and youth, community and natural resource development and to assist them in the conduct of work in these areas.

8. Provide agents with individual on-the-job training by Extension specialists and district agents and plan and arrange for such group training programs and activities as are deemed advisable.

The Board of County Commissioners will:

1. Provide the County's proportionate share of salaries for the County Extension personnel. The salaries of all workers will be determined jointly by the Board of County Commissioners and the North Carolina Agricultural Extension Service.

2. Provide office space and equipment, utilities, telephone, office supplies, and demonstration materials needed for efficient operation of the County Extension Office and program.

3. Review and consider the annual budget request from the Extension Service and take appropriate action by July 1 of each fiscal year.

4. Confer and advise with the District and County Extension agents and Extension Advisory Boards relative to county Extension programs.

The North Carolina Agricultural Extension Service and the Board of County Commissioners mutually agree:

1. That all County Extension appointments and separations are to be worked out jointly by the North Carolina Agricultural Extension Service and the Board of County Commissioners, and that no official action will be taken by either party regarding appointment or separation prior to discussion of the matter with the other party.

2. That the policies established by the State of North Carolina and followed by the University be used as a guide in granting annual, sick, civil, and military leave for County Extension personnel.

3. To cooperate in meeting the requirements of the Civil Rights Act of 1964.

4. That the policies of North Carolina State University relative to the classification of employees will apply to all County Extension workers; therefore, they will not be classified under a county classification system.

5. That County Extension agents will be guided by County policies relative to office hours and holidays.

We are in agreement with the above description of the responsibilities and relationships, and that this memorandum of understanding may be reviewed at any time but shall be reviewed once each four years.

Date: _____ _____, *Chairman*

Board of _____
County Commissioners

Date: _____ _____, *Director*
North Carolina Agricultural
Extension Service

* * * * *

DEFENDANTS' EXHIBIT 196

SOUTHWESTERN	71/72%	1981	1976	1971
Alexander	40.72	25,089	16,730	14,263
Anson	31.08	21,000	18,080	13,474
Burke	47.86	27,152	18,303	14,040
Cabarrus	45.22	26,814	18,319	13,862
Caldwell	46.82	27,884	18,686	13,412
Catawba	41.27	28,788	18,537	14,619
Cleveland	36.87	27,204	18,801	13,600
Gaston	43.09	29,551	18,942	14,416
Iredell	39.12	30,901	20,574	14,308
Lincoln	41.36	26,391	16,754	15,339
Mecklenburg	52.42	29,500	19,150	13,975
Montgomery	36.56	26,000	18,471	12,742
Moore	48.50	24,185	17,610	12,752
Richmond	30.74	25,882	17,571	13,349
Rowan	39.25	27,871	21,622	15,976
Stanly	42.53	23,721	17,211	16,030
Union	36.65	31,004	17,500	14,760
TOTALS				
NORTH CENTRAL				
Chatham	35.95	28,116	18,940	13,910
Durham	39.60	27,015	18,375	13,375
Edgecombe	43.42	27,843	18,648	13,710
Franklin	27.69	24,842	17,023	13,106
Granville	38.22	30,402	Vacant	12,827
Halifax	42.73	31,177	19,159	14,596
Harnett	43.13	26,480	16,796	12,500
Johnston	44.20	33,765	21,217	15,145
Lee	35.93	21,584	17,680	13,008
Nash	40.36	25,990	17,135	12,936
Northampton	31.40	33,915	17,136	16,208
Orange	40.94	27,193	18,033	13,940
Person	27.85	26,045	18,480	13,206
Vance	37.01	22,740	18,325	13,466
Wake	44.30	29,458	21,800	16,588
Warren	29.73	24,244	17,730	13,400
Wilson	44.25	30,656	20,632	15,984
TOTALS				

WESTERN	71/72%	1981	1976	1971
Avery	8.27	22,500	17,800	11,621
Buncombe	33.18	32,681	21,595	14,806
Cherokee	26.26	26,141	17,784	12,314
Clay	12.11	20,000	17,350	12,421
Graham	31.45	25,581	16,500	12,918
Haywood	29.53	27,968	18,028	14,350
Henderson	34.00	29,561	18,203	13,301
Jackson	40.32	Vacant	19,350	13,170
Macon	30.25	29,459	18,400	12,806
Madison	18.21	27,546	18,300	12,596
McDowell	35.11	21,459	17,229	13,088
Mitchell	14.29	22,630	18,200	13,146
Polk	36.71	23,134	17,955	12,960
Rutherford	44.51	27,300	19,114	13,878
Swain	18.90	21,725	17,678	13,230
Transylvania	40.02	25,581	17,424	11,670
Yancey	18.76	25,323	17,350	12,043
TOTALS				
NORTHWESTERN				
Alamance	45.37	24,861	17,634	15,386
Alleghany	23.72	22,718	17,180	12,500
Ashe	26.94	21,052	16,276	12,198
Caswell	29.91	21,156	16,453	12,554
Davidson	45.33	29,067	19,328	15,474
Davie	30.13	29,492	18,283	13,575
Forsyth	53.46	30,155	22,243	16,230
Guilford	47.41	32,120	21,364	16,392
Randolph	46.42	31,384	17,655	13,924
Rockingham	50.68	27,592	21,860	16,646
Stokes	35.54	20,500	17,065	13,450
Surry	42.36	27,000	18,741	14,590
Watauga	26.38	24,762	16,993	13,728
Wilkes	39.44	26,530	18,977	14,667
Yadkin	30.59	27,270	16,646	13,388
TOTALS				

NORTHEASTERN	71/72%	1981	1976	1971
Beaufort	31.68	27,254	17,139	12,838
Bertie	23.96	25,275	16,484	13,001
Camden	15.96	25,285	16,356	11,726
Chowan	16.97	23,500	29,465	14,811
Craven	50.20	26,291	17,097	13,079
Currituck	28.40	26,292	18,337	12,868
Dare	22.12	23,260	16,028	11,601
Gates	18.16	29,564	19,209	12,355
Hertford	24.53	28,381	17,194	13,264
Hyde	18.85	28,490	18,284	12,682
Martin	40.58	29,426	18,805	13,143
Pamlico	20.82	23,000	18,189	13,243
Pasquotank	29.44	31,506	17,998	13,054
Perquimans	18.63	21,807	16,383	12,828
Pitt	43.32	27,556	19,848	14,581
Tyrrell	14.77	26,939	17,284	12,500
Washington	21.36	29,488	12,582	12,899
TOTALS				
SOUTHEASTERN				
Bladen	32.02	25,536	19,678	13,661
Brunswick	32.35	25,513	16,900	13,280
Carteret	37.56	27,655	17,806	13,227
Columbus	32.21	27,766	16,968	13,913
Cumberland	47.77	37,044	18,934	14,223
Duplin	30.85	26,878	18,615	14,156
Greene	30.31	26,860	18,000	12,792
Hoke	32.63	22,008	17,674	13,618
Jones	19.71	28,183	18,470	13,080
Lenoir	35.37	34,558	23,931	12,582
New Hanover	38.83	28,898	20,024	14,702
Onslow	39.19	24,783	14,422	12,524
Pender	27.57	25,295	16,871	12,252
Robeson	40.50	28,250	19,302	14,970
Sampson	37.27	34,577	19,490	13,862
Scotland	43.45	25,764	16,756	12,914
Wayne	44.14	28,962	21,532	16,278
TOTAL				

DEFENDANTS' EXHIBIT 201

NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE

December 1976 Salary Summary

	All Agents (1)			Bachelor's Degree			Master's Degree		
	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure
Black	102	12,924	8.3	91	12,821	7.7	11	13,772	13.0
White	387	13,054	9.8	294	12,698	9.3	93	14,181	11.5

(1) Does not include County Extension Chairmen, which are partially administrative in nature.

DEFENDANTS' EXHIBIT 202

NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE
February 1979 Salary Summary

	All Agents (1)			Bachelor's Degree			Master's Degree		
	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure
Black	117	14,826	10.2	88	14,838	10.8	29	14,792	8.4
White	380	15,085	8.8	291	14,693	8.0	89	14,683	8.0

(1) Does not include County Extension Chairmen, which are partially administrative in nature.

DEFENDANTS' EXHIBIT 203

NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE
November 1979 Salary Summary

	All Agents (1)			Bachelor's Degree			Master's Degree		
	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure
Black	110	15,631	10.4	89	15,653	10.2	21	15,537	11.2
White	382	16,071	9.2	284	15,630	8.5	98	17,349	11.1

(1) Does not include County Extension Chairmen, which are partially administrative in nature.

DEFENDANTS' EXHIBIT 204

NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE

April 1980 Salary Summary

	All Agents (1)			Bachelor's Degree			Master's Degree		
	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure
Black	103	16,010	10.4	84	15,773	10.1	19	17,060	11.9
White	367	16,050	8.7	271	15,649	8.2	96	17,182	10.4

(1) Does not include County Extension Chairmen, which are partially administrative in nature.

DEFENDANTS' EXHIBIT 205

NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE
April 1981 Salary Summary

	All Agents (1)			Bachelor's Degree			Master's Degree		
	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure	Number	Average Salary	Average Tenure
Black	91	18,420	12.6	75	18,180	12.1	16	19,549	14.8
White	373	18,180	10.3	277	17,711	9.5	96	19,532	12.4

(1) Does not include County Extension Chairmen, which are partially administrative in nature.

DEFENDANTS' EXHIBIT 219

TRENDS IN THE NORTH CAROLINA 4-H PROGRAM
1971-80

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Members in:										
4-H Clubs	38,491	37,763	37,246	38,393	36,776	35,697	33,730	34,191	33,103	32,970
4-H Special Interest	26,648	31,544	44,588	57,196	53,864	57,711	64,224	62,854	76,036	62,483
4-H T.V.	71,442	99,147	123,769	103,718	None	92,172	2,621	None	None	133
Total (excluding TV)	65,139	69,307	81,834	95,589	90,640	93,408	97,954	97,045	109,139	95,453
Total (including TV)	136,581	168,454	205,603	199,307	90,640	185,580	100,575	97,045	109,139	95,586
Units:										
4-H Clubs	1,876	1,747	1,748	1,844	1,786	1,714	1,731	1,730	1,714	1,665
Special Interest Groups	**	840	1,109	1,338	1,469	1,584	1,337	1,518	1,851	1,783
Total Units:	1,876	2,587	2,587	3,182	3,255	3,298	3,068	3,248	3,565	3,448

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DEFENDANTS' EXHIBIT 219 – Continued

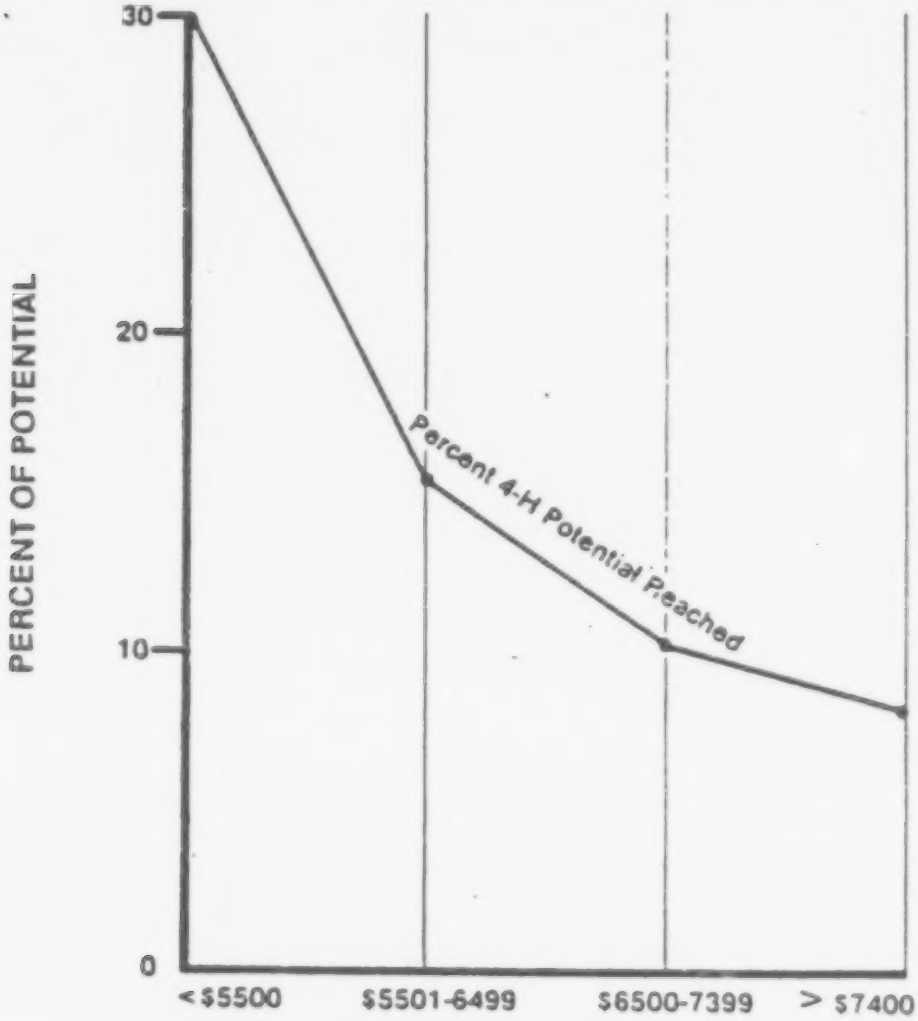
TRENDS IN THE NORTH CAROLINA 4-H PROGRAM
1971-80

	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Leaders:										
Adult Leaders	7,407	6,472	7,270	7,932	8,777	9,363	10,522	11,213	12,408	12,607
Junior Leaders	2,599	2,323	2,390	2,393	2,591	2,702	2,602	2,993	3,172	2,671
	10,006	8,795	9,660	10,325	11,368	12,065	13,124	14,206	15,580	15,278
**Place of Residence:*										
% Farm	37%	31%	32%	29%	28%	26%	22%	21%	21%	24%
% Towns under 10,000	48%	50%	50%	50%	49%	51%	50%	50%	49.7%	52%
% Cities 10,000 to 50,000	11%	9%	12%	11%	14%	13%	11%	11%	10.5%	14%
% over 50,000	4%	10%	7%	10%	10%	10%	17%	18%	18.8%	10%

*Data base is membership in 4-H clubs and special interest groups
**Not reported

DEFENDANTS' EXHIBIT 221

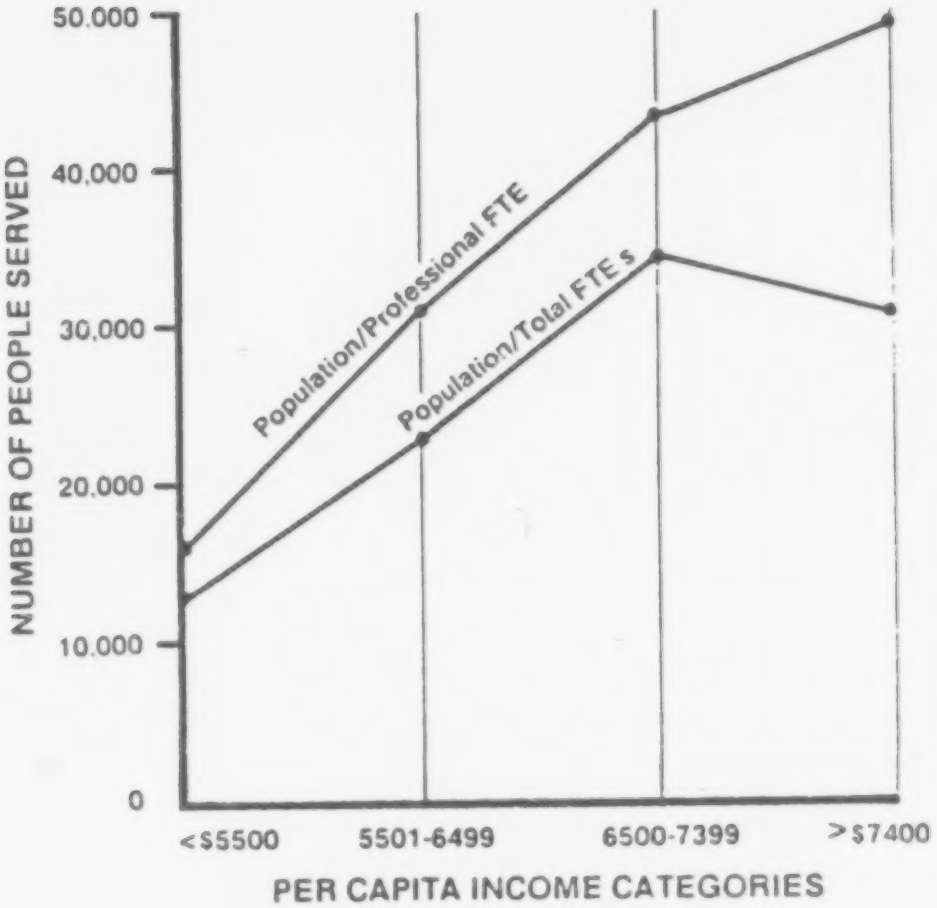
PERCENT OF POTENTIAL YOUTH AGES 9-19 REACHED WITH 4-H PROGRAMS FOR COUNTIES GROUPED BY SELECTED CATEGORIES OF PER CAPITA INCOME



Sources: 1980 ES-237 Report
1980 Census of Population
1980 Records of District Extension Chairman

DEFENDANTS' EXHIBIT 222

NUMBER OF PEOPLE SERVED BY EXTENSION 4-H STAFF, PROFESSIONAL AND TOTAL (INCLUDES PARAPROFRESSIONAL) IN COUNTIES GROUPED BY SELECTED CATEGORIES OF PER CAPITA INCOME



Sources: 1980 Census of Population
1980 ES-237 Report
1980 Records of District Extension Chairmen
1980 4-H Expansion Budget

DEFENDANTS' EXHIBIT 227

4-H VOLUNTEERS

Year	Black	Percent-age	White	Percent-age	Total
1972	2,665	31	5,988	69	8,653
1976	3,760	32	8,174	68	11,934
1980	4,022	27	11,122	73	15,144

4-H MEMBERSHIP

Year	Black	Percent	White	Percent	Total*
1972	22,174	32	46,313	68	68,486
1976	32,210	35	60,146	65	92,356
1980	30,243	32	64,138	68	94,381

* American Indian excluded from data

DEFENDANTS' EXHIBIT 228

Year	Number of Single Racial Clubs in Mixed Communities	Number of Youth Involved in these Clubs	Total State 4-H Membership
1974	1,014	19,789	95,589
1976	953	21,286	93,408
1978	920	17,625	97,045
1980	880	14,988	95,453

DEFENDANTS' EXHIBIT 255

SALARY DATA FOR 35 PEOPLE WHO WERE ACTIVELY EMPLOYED DURING 1975 BUT WERE NOT ON DR. MANN'S LIST OF PEOPLE USED IN HIS 1975 REGRESSION

	Salary Data			
	1973	1974	1975	1976
Marilyn Cole		9,641	9,711	10,741
William S. Dixon			9,100	10,276
Simpson Currin			14,080	14,890
James Dunford		12,204	12,397	
Pamela Gillenwater		9,472	9,472	
John Rutledge			9,604	
Ernest C. Short	10,257	10,887	10,957	11,535
John Stacy	16,441	17,809	18,255	18,855
George Stoudemire	17,015	19,014	20,350	
Mary M. Swanner	8,500	9,242	9,292	
Colon Godwin		13,815	15,415	
Archie Martin	15,000	16,464	19,379	
Marie Penuel			12,342	
James Sikes	8,500	9,350	9,615	
Harvey Thornton	9,406	10,156	10,369	
Barbara Hinnant			9,160	10,593
Marjorie Holloway	8,728	9,493	9,553	10,053
Ona Humphrey	15,281	16,413	16,513	
Slater T. Lloyd	11,947	12,970	12,970	
Dennis Osborne			11,100	12,000
Cullie Tarlton	17,007	18,505	19,014	
Linda Vandemark			10,450	
Marilyn Blanchard			9,259	9,559
Louise Capps	10,143	10,978	11,187	
Richard M. Edwards	12,149	13,236	13,316	14,116
James Piland			9,170	
Steve Riddick	8,692	9,856	12,500	13,428
Naomi Desantels			19,622	
Mary Gaddy	8,500	9,261	9,429	
Mary Jones	8,674	9,868	9,928	
William Meyer	10,000	10,800	12,650	
Clifton Parker	9,914	10,654	10,650	
Ray Williamson			9,498	
Marcia Winnies		9,100	9,160	9,510
Dori Boyd		9,100	9,150	

DEFENDANTS' EXHIBIT 258

Non-Extension Homemakers Audiences

Year	Man Days	% of H. E. Time
1978	3,881	77%
1979	37,474	82%
1980	36,911	82.5%

Supreme Court of the United States

No. 85-93

P. E. BAZEMORE, ET AL., PETITIONERS

v.

WILLIAM C. FRIDAY, ET AL.

ORDER ALLOWING CERTIORARI. Filed November 12, 1985.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit is granted.

Supreme Court of the United States

No. 85-428

UNITED STATES, ET AL., PETITIONERS

v.

WILLIAM C. FRIDAY, ET AL.

ORDER ALLOWING CERTIORARI. Filed November 12, 1985.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit is granted.